URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1996

AGENDA OF THE
PLANNING AND
DEVELOPMENT
COMMITTEE
MAY 8/96 ...

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1996



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

MAY 9 1996

GOVERNMENT DOCUMENTS

Wednesday, 1996 May 8
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Rental Housing Protected Act CD-95-011 - 11-23 Courtland Ave. (Gilkson Neighbourhood).

2. Draft Plan of Subdivision "Allison Estates", and Zoning Application ZAC-96-01, by 200 Rymal Road Inc., owner for a change in zoning from "DE-3" and "C" to "R-4" at the south-west corner of Upper Wellington Street and Rymal Road East.

3. A general text amendment to the City of Hamilton Zoning By-law No. 6593 respecting the regulation of third party/billboard signs (CI-96-D).

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 May 8

4. BUILDING COMMISSIONER

a) Lister Building - Property Standards (Report to follow)

b) 39 North Oval - Demolition

5. DIRECTOR OF PLANNING AND DEVELOPMENT

Front Yard Parking (Report to follow)

6. CONSENT AGENDA

7. OTHER BUSINESS

8. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mobile Signs		Planning	Report Pending
2.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
3.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
4.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
5.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recircularized if application is modified
6.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
7.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
8.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant
9.	Billboards/Third Party Signs	1996 March 20	Staff to conduct study and prepare bylaw	Study and Report Pending

1996 May 1

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 April 29
(CD-95-011)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Rental Housing Protection Act Application CD-95-011 -
11-23 Courtland Avenue, Gilkson Neighbourhood

RECOMMENDATION:

That Application CD-95-011 under the Rental Housing Protection Act, Robert and Hyacinth Dockeray, owners, for conversion of 15 rental row house units to condominium units for the property located at 11-23 Courtland Avenue, be **APPROVED** on the following conditions:

(a) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in Appendix "A", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

(i) the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent;

(ii) the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval;

(iii) that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement;

(iv) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

(iv) that such leases shall commence no later than the date the Rental Housing Protection Act Approval Agreement with the City is registered on title; and,

(v) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(b) That the Owner grant to the Tenants residing at the premises as of the date of Council approval of the RHPA application an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "B" annexed hereto;

(c) (i) That the City send by registered mail, to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

(ii) That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,

(iii) That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.

(d) That this RHPA approval shall cease and be at an end,

(i) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(ii) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(e) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", "B" and "C" annexed hereto) and

register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(f) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(g) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(h) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

2. That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner

Robert and Hyacinth Dockeray, owners.

Existing Building

The subject property is comprised of fifteen (15) townhouses, two storeys in height. The building was constructed in 1975. A total of 15 three-bedroom units, approximately 93 m^2 (1,000 sq. ft.) in area. None of the units is vacant.

Nature of the Application

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 11-23 Courtland Avenue was submitted to the City on November 21, 1995. The subject property is shown on the attached key map. The proposal is to convert the 15 units to condominium. The applicant has indicated the units will be sold for $95,000.

Proposed Conversion Details

As part of the application, the owner has indicated the following improvements will be made to the units:

- replace all the windows with double glazed windows;
- replace kitchen cabinets;
- replace 4 piece bathroom fixtures (bath tub, vanity, sink and toilet);
- replace 2 piece bathroom fixtures (sink and toilet) on the ground floor;
- replace front doors and include deadbolt locks;
- replace ground floor tiles in the kitchen, hallways and 2 piece bathroom;
- repair any damaged walls, ceilings;
- paint all the walls and ceilings;
- paint exterior of houses;
- repair rooves;
- repair and paint fences; and,
- fix up the landscaped area.

Rent Details

The monthly rental charges are as follows:

- thirteen (13) of the three bedroom townhouses rent for $680.28; and,
- two (2) units are rented for $667.60.

APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental townhouse units at 11-23 Courtland Avenue are subject to the Act since the applicant intends to convert the townhouse units to condominium status.

The Act notes that a Council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable since the owner is seeking to convert the existing buildings to condominium status. Criteria ii) is not applicable since the owner is not providing any new rental

units. Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 15 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton.

The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 24 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:

City Council may approve the application through Regulation O.Reg. 529/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 15 rental units will not adversely affect the supply of affordable rental housing in the City.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to ascertain potential impacts of the proposed condominium conversion on the rental housing marketplace. CMHC has divided the City into six geographic zones; the subject property is located within "Zone 6 - Hamilton Mountain Zone". The Hamilton Mountain Zone is bounded on the north by the Escarpment and on the west, south and east by the Hamilton City Limits.

Rental Housing Supply

The removal of these 15 units would reduce the overall supply of rental housing in the City by 1.2 percent for the 1,241 row house units in Hamilton.

In the Hamilton Mountain Zone, the removal of the 15 units would reduce the overall supply of rental housing by 1.9 percent in the 788 row house units in the Hamilton Mountain Zone.

From a broad perspective, the reduction of the overall supply of rental housing on a City-wide basis is negligible. The reduction in rental housing supply is slightly higher in the Hamilton Mountain Zone level because of the smaller base of available rental units and smaller geographic area.

Monthly Rents

The existing rents are within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) issued as part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of $830 or less per month are "affordable" for the Hamilton-Wentworth area. The current monthly rental charges range from $668 to $680. This makes the units affordable to households between the 49th and 50th household income percentile, according to the Information Bulletin.

Average Rent Levels
October, 1995

	Total Hamilton	Hamilton Mountain Zone	Subject Property
Three-Bedroom	$763	$774	$678

The average rent for the subject property is lower than the City and zone averages for rowhouse units.

Vacancy Rates

As recorded by CMHC at October, 1995, the rental row house vacancy rate for the City was 5.8 percent. A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, balanced, competitive rental marketplace in a municipality.

The row house vacancy rate for the Hamilton Mountain Zone was recorded at 2.0 percent in October, 1995, is considered as indicative of a healthy, competitive rental marketplace. However, it should be noted the vacancy rate for the Hamilton and the City as a whole fell below 2% (0.9% and 0.8% respectively) in April 1995 and was above 2% in both zones for the years 1993 and 1994.

AFFORDABILITY OF CONVERTED UNITS:

The applicant has indicated the units will be sold for $95,000 with a 5% reduction in the price if the tenants purchase a unit within the 12 months of the condominium being registered. The following chart shows the income required to rent the unit versus the income required to own the unit.

Unit Type	Average Rent	Income Required to Rent	Sale Price	Income Required to Own (Min.)
Three Bedroom	$678	$27,270	$95,000	$38,010

The units are less affordable as ownership units than rental units in that the income required to support the unit is greater than what is required to rent the unit. However, in terms of the housing affordability guidelines set by the Province, if these units are purchased then they are affordable to people in the 43rd income percentile and higher whereas for renters the income percentile is the 50th percentile and higher.

EXISTING TENANTS:

Two information meetings with the tenants were held on February 21 and March 20, 1996. Discussion centred around the extent and type of renovations. In the final analysis, the owner decided to substantially renovate all the units instead of doing it on a piecemeal basis.

Many of the tenants are undecided as to whether or not they would like to purchase a unit.

SUMMARY:

Approval of the application can be supported since it does not impact the supply of affordable rental housing. The following is a synopsis of the criteria used to evaluate the application:

- the removal of these 15 units from the rental market has a minimal impact on the supply: 1.2 percent for the City and 1.9 percent for the Hamilton Mountain Zone;

- a vacancy rate of between 2 and 3 percent is indicative of a healthy, competitive rental market place. In this case, the vacancy rate is within this range (City - 5.8 percent and the Hamilton Mountain Zone - 2 percent); and,

- the units are available to persons in the 43rd income percentile or higher which is within the Province's Housing Affordability Guidelines.

However, it is suggested that conditions be included as part of the approval to ensure the tenants are protected when the units are converted to condominiums.

CONCLUSION:

On the basis of the foregoing, the application can be supported provided the conditions as set out in the Recommendation are incorporated.

JHE/

APPENDIX "A"

List of Units by Address and the Applicable Rent

Unit #1	11 Courtland Avenue Unit 11A Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28	Unit #9	11 Courtland Avenue Unit 11I Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #2	11 Courtland Avenue Unit 11B Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28	Unit #10	11 Courtland Avenue Unit 11J Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #3	11 Courtland Avenue Unit 11C Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28	Unit #11	15 Courtland Avenue Unit 15 Hamilton, Ontario L9C 6M4 Monthly Rent: $667.60
Unit #4	11 Courtland Avenue Unit 11D Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28	Unit #12	17 Courtland Avenue Unit 17 Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #5	11 Courtland Avenue Unit 11E Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28	Unit #13	19 Courtland Avenue Unit 19 Hamilton, Ontario L9C 6M4 Monthly Rent: $667.60
Unit #6	11 Courtland Avenue Unit 11F Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28	Unit #14	21 Courtland Avenue Unit 21 Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #7	11 Courtland Avenue Unit 11G Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28	Unit #15	23 Courtland Avenue Unit 23 Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #8	11 Courtland Avenue Unit 11H Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28		

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

APPENDIX "B"

The Agreement of Purchase and Sale shall provide,

(a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

i) $4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

APPENDIX "C"

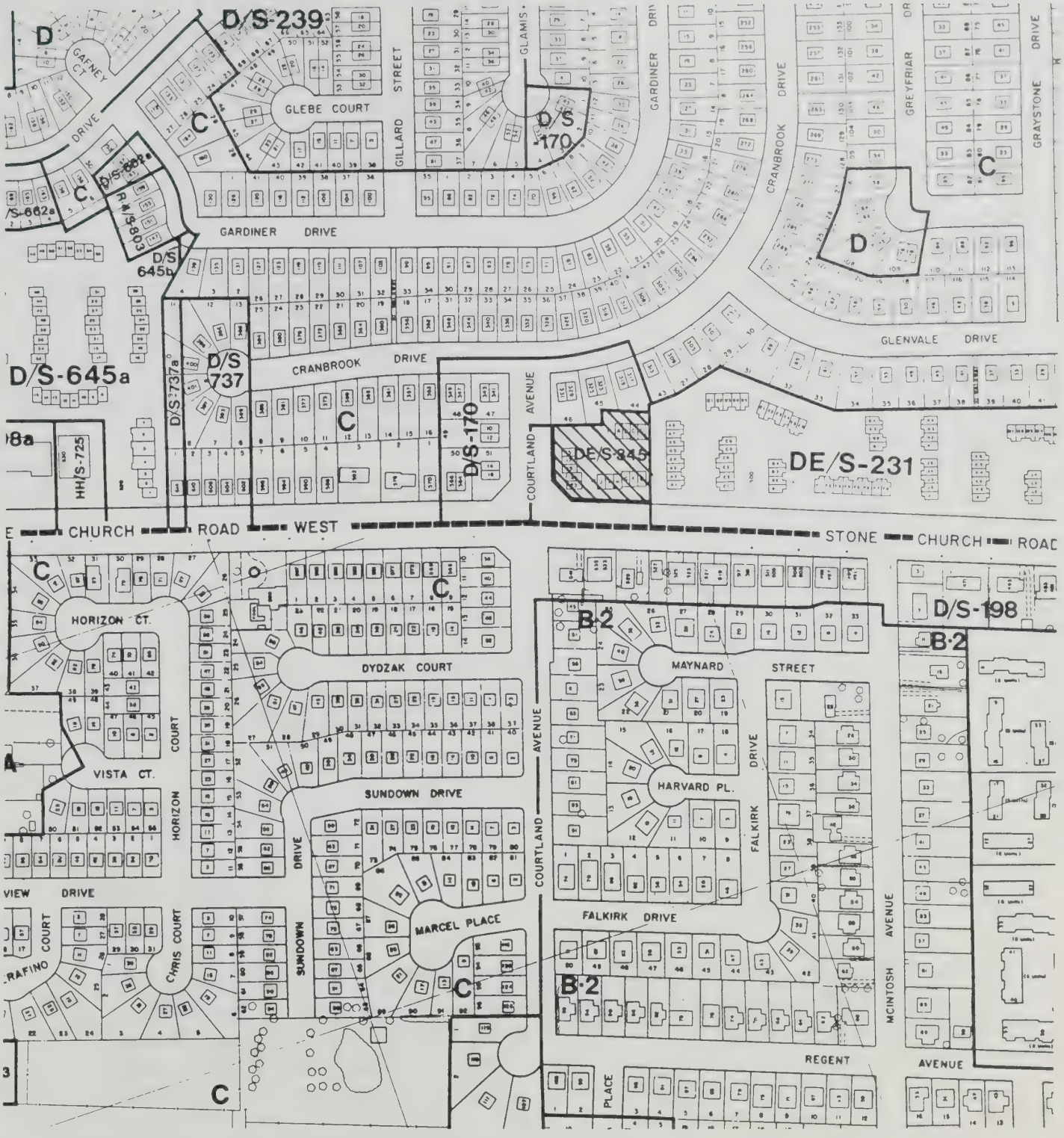
The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

(d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.



City of Hamilton

Key Map

Rental Housing Protection Act

11-23 COURTLAND AVENUE

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CD-95-011
	Date	Drawn By
	FEBRUARY 1996	W. B.

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 April 29
(ZAC-96-01 and 25T-91014(R))
Allison Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Revised Draft Plan of Subdivision "Allison Estates" and Change in Zoning - South-west corner of Upper Wellington Street and Rymal Road East

RECOMMENDATION:

Subdivision Application:

(a) That approval be given to Subdivision Application 25T-91014(R), 200 Rymal Road Inc. (A. DiSilvestro), owner, for a revision to the draft plan of subdivision "Allison Estates", on lands located at the south-west corner of Upper Wellington Street and Rymal Road East, in the Allison Neighbourhood, as shown on the attached map marked as APPENDIX "A" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by W. Bruce Clark, O.L.S., dated January 17, 1996, showing 21 lots, Blocks "22" and "23" for 0.30m reserves, and one street identified as Court "A", as shown on the attached map marked as APPENDIX "B".

(ii) That Court "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act.

(v) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(vi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(vii) That the radius transition into and out of the cul-de-sac be increased to 10m.

(viii) That the Owner provide documentation that the standard roadway cross-section, utilities and municipal sidewalks, etc., for a 20.0m road allowance, can be installed on both sides of Street "A", proposed at 18.0m width to the satisfaction of the Manager of Development, Regional Environment Department.

(ix) That the Owner establish Court "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision. All works must be completed to the satisfaction of the Manager of Development, Regional Environment Department.

(x) That the Owner convey Block "22", that being a 0.30 m wide reserve along the rear of Lots 13 to 21 inclusive, and Block "23", to the Region of Hamilton-Wentworth, by deed, at the time of registration of the Final Plan of Subdivision.

(xi) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(xii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(xiii) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands.

(xiv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-91014(R)), 200 Rymal Road Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

Rezoning Application:

(d) That approval be given to Zoning Application 96-01, 200 Rymal Road Inc., (A. DiSilvestro), owner, requesting a change in zoning from "DE-3" (Multiple Dwellings) District, modified and "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, for lands located at the south-west corner of Upper Wellington Street and Rymal Road East, shown as Blocks "1", "2" and "3" on the attached map marked as APPENDIX "A", on the following basis:

(i) That Blocks "1" and "2" be rezoned from "DE-3" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single Family Dwelling) District; and,

(ii) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4"" (Small Lot Single Family Dwelling) District;

(iii) That the "R-4"" (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands shown as Block "1", be modified to include the following variance as a special requirement:

1) That notwithstanding Section 9A.(2)(b)1.(i) of Zoning By-law No. 6593, a front yard having a depth of not less than 7.0 metres shall be provided and maintained;

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that Block "1" on Zoning District Map E-9E be notated S- ;

(v) That the Director of Planning be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council; and,

(vi) That the proposed changes and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(e) That the approved Allison Neighbourhood Plan be amended to add the public highway shown as Court "A" on the draft plan of subdivision and that the subject lands be redesignated from "Low Density Apartments" to "Single & Double" Residential upon finalization of the Zoning By-law.

EXPLANATORY NOTE:

The purpose of the proposed By-law is to provide for changes in zoning for lands located at the south-west corner of Upper Wellington Street and Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - Change in zoning from "DE-3" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single - Family Dwelling) District, modified;

Block "2" - Change in zoning from "DE-3" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single - Family Dwelling) District; and,

Block "3" - Change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single - Family Dwelling) District.

The effect of the by-law is to permit the development of Blocks "1", "2" and "3" for 21 small lot single detached dwellings in accordance with the proposed revised draft plan of subdivision "Allison Estates" (File 25T-91014(R)). In addition, the By-law provides for the following special requirement:

- a minimum front yard of 7.0 m shall be provided and maintained for Block "1", whereas the Zoning By-law normally requires a minimum front yard of 6.0 m.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

200 Rymal Road Inc. (A. DiSilvestro), owner.

Agent:

A. Cammeracci, Urbex Engineering Limited.

Surveyor:

W. Bruce Clark, Urbex Engineering Limited.

Location:

The lands are located south of Rymal Road East and west of Upper Wellington Street, in the Allison Neighbourhood (see APPENDIX "A").

Lot Size and Area:

The subject property is an irregular shaped parcel of land and has:

- a frontage of 122.9 m along Rymal Road East;
- a frontage of 86.6 m along Upper Wellington Street; and,
- an area of 1.050 ha.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"DE-3" (Multiple Dwellings) District, modified and "C" (Urban Protected Residential, etc.) District
Surrounding Land Use		
to the north	Vacant Lands	"AA" (Agricultural) District

to the south	Single Detached Dwellings	"R-4" (Small Lot Single Family Dwelling) District
to the east	Open Space (Mount Hamilton Cemetery)	"AA" (Agricultural) District
to the west	Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

Subdivision Proposal:

The owner has applied to subdivide the subject lands into 21 lots for single detached dwellings, a 0.30 m reserves, and to construct a public highway (Court "A") (see attached APPENDIX "B"). The proposed draft plan has been red-lined revised to extend the 0.30 m reserve along the easterly lot line of Lot 21 and to add a 0.30 m reserve along the easterly lot line of Lot 1 to restrict vehicular access to the local street.

Zoning Application 91-76

In 1991, an application was made for a change in zoning for the subject lands (ZA-91-76). The subject lands were rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District and "C" (Urban Protected Residential, etc.) District. In addition, Zoning By-law No. 92-211 and 92-270 contained the following special provisions applicable to the subject lands:

- to require a minimum 21.0 m wide setback for any buildings or structures, except a fence, measured from the westerly lot line;

- to require a landscaped area of not less than 21.0 m in width be provided and maintained along the westerly lot line and prohibits street townhouses fronting onto Rymal Road and Upper Wellington Street; and,

- the by-law required that a visual barrier of not less than 1.2m in height and not more than 2.0 m in height be provided and maintained along the westerly boundary of the subject lands.

Zoning Application 93-47 and Site Plan Control Application DA-93-37

A subsequent rezoning application was made to permit the development of the subject lands for multiple dwellings and/or street townhouses. In 1993 Council passed By-law 93-161 which deleted townhouse dwellings as a permitted use in the "DE-3" District, amongst other zoning districts. A site plan control application had been submitted to allow for the development of the subject lands for 43 townhouse units.

The rezoning application was tabled at the April 20, 1994 Planning and Development Committee Meeting to allow the applicant "to rework the application and come back with an amended submission." The application was held in abeyance due to changes in the economic climate. On February 12, 1996 the applicant requested that the file be closed in order to proceed with Zoning Application 96-01.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area". The proposal complies with the intent of the Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposed draft plan of subdivision complies with the intent of the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Low Density Apartments" on the approved Allison Neighbourhood Plan. Approval of the application would necessitate an amendment to the neighbourhood plan to change the designation of the subject lands from "Low Density Apartments" to "Single and Double" Residential and to add the proposed road, as shown on the draft plan of subdivision.

COMMENTS FROM CIRCULATION:

The following Departments and/or agencies had no comment or objections:

- The Hamilton Region Conservation Authority;
- TransCanada Pipelines;
- Bell Canada; and,
- Canada Post.

- The Roads Department has submitted the following comments and recommendations:

"**INFORMATION**

1) The 18.0m cul-de-sac width for Court "A" can be considered on the condition that the applicant/owner provides documentation that the roadway and utilities can be located within the road allowances to the satisfaction of the Roads Department.

In order to maintain the same separation between homes normally provided on a 20m road allowance width, consideration should be given to increasing the front yard depth to 7.0m instead of 6.0m. This may also provide more opportunity for off-street residential parking to occur.

2) It appears that Lot 33 of Plan 62M-778 has been incorporated into this cul-de-sac proposal thereby reducing the number of single family lots on Rymal Road.

3) In conjunction with this application, the applicant has also submitted Zoning Application 96-01 to rezone these lands to R-4 small lot single homes.

RECOMMENDATIONS

1) That the radius transition into and out of the cul-de-sac be increased to 10m.

2) That the cul-de-sac bulb be symmetrical and centred on the proposed 18m road allowance.

3) That the applicant/owner provides documentation that the roadway and utilities can be located within the 18.0m road allowance to the satisfaction of the Roads Department.

4) That the applicant/owner enter into a Subdivision Agreement with the City of Hamilton prior to development of any portion of these lands.

The submitted plan as prepared by W. Bruce Clark, O.L.S. and dated January 17, 1996 is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations."

The Roads Department further advised:

"After being informed that revising the cul-de-sac to be symmetrical and centred on the proposed 18m road allowance would reduce the lot depths adjacent to the cul-de-sac we have further reviewed the draft plan dated November 28, 1995 and find it satisfactory."

The Roads Department subsequently advised:

"(1) We recommend that, should the road allowance width of Court "A" be established at 18 metres, the front yard setback should be increased to 7.0 m from 6.0 m for lots 1 to 7 inclusive and lots 16 to 21 inclusive. This would provide the same setback between buildings normally provided on a 20 m road allowance and would likely increase the area for residential parking on private property. Notwithstanding the above, a 6.0 metre setback will be allowed for lots 8 to 15 inclusive.

(2) The following comments have been submitted for the draft plan submission and our recommendations may affect the lot areas especially if the cul-de-sac bulb is relocated to be centred on the 18 m road allowance width:

i) The 18.0 m cul-de-sac width for Court "A" can be considered on the condition that the applicant/owner provides documentation that the roadway and utilities can be located within the road allowances to the satisfaction of the Roads Department.

ii) In our previous letter, we stated that the radius transition into and out of the cul-de-sac should be 9 metres which is our normal requirement on 20 m road allowance width. This radius with the use of an 18.0 m Right-of-Way width must be 10.0 m and the plans should be revised accordingly.

iii) It appears that Lot 33 of Plan 62M-778 has been incorporated into this cul-de-sac proposal thereby reducing the number of single family lots in Rymal Road.

iv) Since the applicant has proposed this change to the approved neighbourhood plans and draft plan of subdivision, there should be no compensation for any previous servicing paid under the previous plan of subdivision."

- The Traffic Division advised that:

"The application for a change in zoning to permit the development of small lot single family residential lots is satisfactory. Although the submitted plan indicates a one foot reserve along the south side of Rymal Road, we recommend that any approval of the change in zoning be conditional upon no direct vehicular access being permitted to Rymal Road from lots 13 to 21. In addition, lots 1 and 21 should have a further restriction on access such that access should only be allowed from Court "A" and on the western side of each lot."

- Regarding the proposed changes in zoning, the Building Department advised that:

"1. Amending By-laws 92-211 and 92-270 will have to be amended.

2. No calculations provided to determine the minimum lot width and area for each individual lot as required in Section 9A of Zoning By-law 6593.

3. The 0.3m reserve along the entire northerly side adjacent to Rymal Road East shall be established."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. An amendment to the approved Allison Neighbourhood Plan will be required if the application is approved. Redesignation of the subject lands from "Low Density Apartments" to "Single & Double" Residential will be required in addition to adding the proposed street shown as Court "A".

3. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan; and,

   - it is compatible with existing and proposed development in the area.

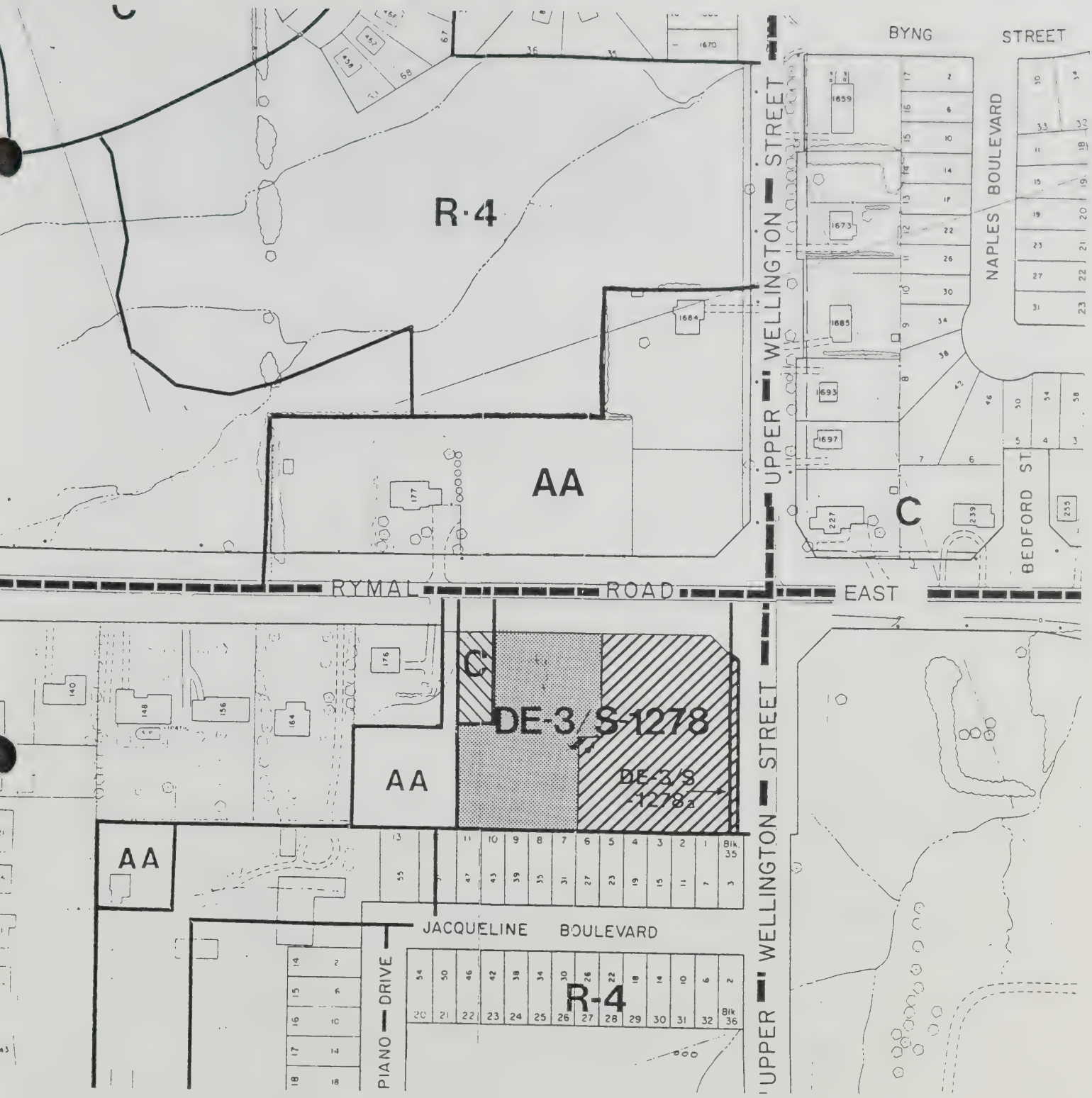
4. The Building Department advised that information regarding minimum lot widths and areas was not provided on the proposed plan of subdivision. As a condition of draft plan approval, the Owner will be required to provide the City of Hamilton with a certified list prepared by an Ontario Land Surveyor showing the net area and width of each lot and the gross area of the subdivision in the final plan. Accordingly, that the lot widths and lot areas on the final plan must conform with the provisions of the "R-4" District.

5. The applicant is proposing an 18.0 m wide right-of-way. The Roads Department and the Traffic Division have requested that in order to provide for additional off-street parking, the front yard setback should be increased from 6.0 m to 7.0 m for Lots 1-7 and 16-21 inclusive. This would provide the same setback between buildings normally provided on a 20.0 m road allowance

CONCLUSION:

On the basis of the foregoing, the applications can be supported.

SR/sr
ZAC96-01.rpt



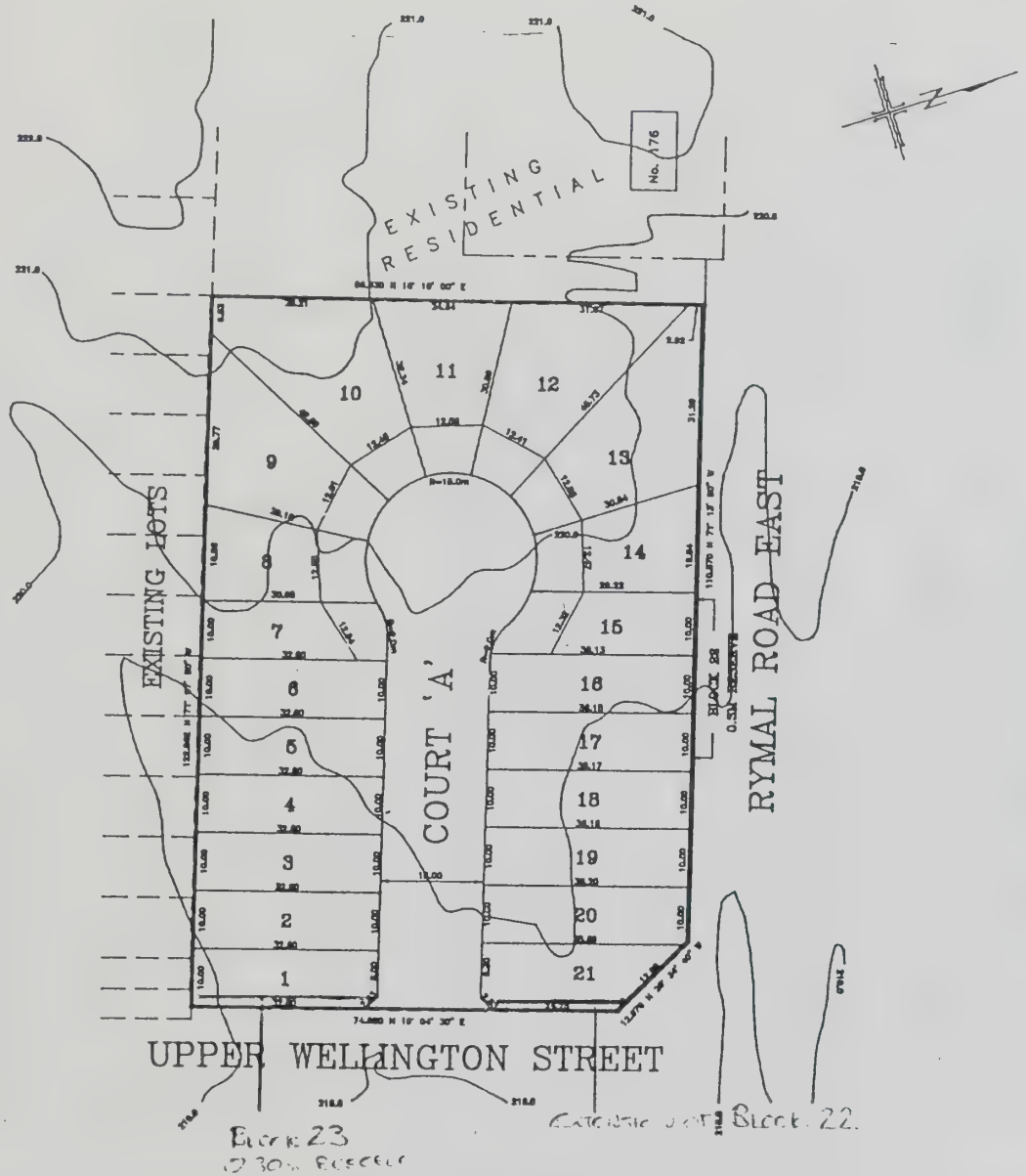
Legend

Proposed change in zoning from:

ZAC-96-01

BLOCK 1		"DE-3" (Multiple Dwellings) District,Modified, to "R-4" (Small Lot Single - Family Dwellings) District, Modified.
BLOCK 2		"DE-3" (Multiple Dwellings) District,Modified, to "R-4" (Small Lot Single - Family Dwellings) District.
BLOCK 3		"C" (Urban Protected Residential, etc.) District, to "R-4" (Small Lot Single - Family Dwellings) District.

APPENDIX "A"



DRAFT PLAN
OF SUBDIVISION
(AMENDMENT)

DESIGN CRITERIA AND
LAND USE SCHEDULE :

USE	LOT/BLOCK	AREA (ha)
SINGLE FAMILY RESIDENTIAL	1 TO 21	0.887
BLOCK 22		0.003
ROADWAY		0.110
	TOTAL	1.000

KEY MAP N.T.S.

URBEX
ENGINEERING
LIMITED
HAMILTON, ONTARIO

DRAFT PLAN FOR
ALLISON ESTATES
(REVISED)
HAMILTON, ONTARIO

NOTE :
THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC :
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE
I AUTHORIZE URBEX ENGINEERING LIMITED TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

DATE

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.

DATE

SCALE	PROJECT No.	DRAWING No.
1:1200	96-618	1
DRAWN BY C.C.	DATE NOV 28 /96	
CHECKED BY A.C.	FILE NAME ALLIS-V1.DWG	

APPENDIX

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 May 2
CI-96-D

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.R.P.,
Director of Planning

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Third Party/Billboard Signs

RECOMMENDATION:

(a) That approval be given to City Initiative CI-96-D, to provide for amendments to Zoning By-law No. 6593, respecting the regulation of third party/billboard signs, on the following basis:

(i) That Section 2.(2)H(vig) of Zoning By-law No. 6593 be amended by adding "/Billboard" after the words "Signs, Third Party" in the title, so it reads as follows:

"Signs, Third Party/Billboard"

(ii) That Section 13.(1)(xva) of Zoning By-law No. 6593 be deleted;

(iii) That Section 13A.(1)(xi) of Zoning By-law No. 6593 be deleted and replaced with the following:

(xi) A third party/billboard sign in accordance with Section 18.(15).

(iv) That Section 14.(1)(xvi) of Zoning By-law No. 6593 be deleted and replaced with the following:

(xvi) A third party/billboard sign in accordance with the requirements of Section 18.(15), roof sign, overhanging sign or other sign or notice;

(v) That Section 14A.(1)(c) of Zoning By-law No. 6593 be modified to add the words "business identification sign that is" after the word "no" in the fourth line, so that the Clause reads in part as follows:

(c) As provided in clauses vii, viii, ix, x, xi, xiv, xvi and xvii of subsection 1 of Section 14.

Provided, however, that save as hereinafter in this Section provided, no business identification sign that is a wall sign, roof sign or ground sign shall have...

(vi) That Section 15.(1)(ii) of Zoning By-law No. 6593 be modified by adding to the end "and a third party/billboard sign", so the entire clause reads as follows:

(ii) Any commercial use which is permitted in a residential district or other commercial district except a penny arcade and a third party/billboard sign."

(vii) That Section 15A.(1)(xviii)(b) of Zoning By-law No. 6593 be modified by adding to the end "but not including a third party/billboard sign", so the entire clause reads as follows:

(b) A window sign or an outdoor advertising sign or other sign of the kind known as a wall sign, not overhanging a highway, but not including a third party/billboard sign.

(viii) That Section 16.(1) of Zoning By-law No. 6593 be modified by adding a new clause (ivb) as follows:

(ivb) A third party/billboard sign in accordance with the provisions of Section 18.(15).

(ix) That Section 16A.(1)(f) of Zoning By-law No. 6593 be modified by:

(1) deleting the words "and in addition, ground signs, wall signs and roof signs, pertaining to any advertising matter whatsoever" in the third, fourth and fifth lines;

(2) deleting the words "for each of the two categories mentioned;" in the sixth line so the clause reads as follows;

(f) Ground signs, wall signs and roof signs, the advertising matter of which pertains only to the occupancy or use of the lot or building upon which they are erected provided that:

(3) adding a new clause (fa) as follows:

(fa) A third party/billboard sign in accordance with the provisions of Section 18.(15).

(x) That Section 17A.(1)(d) of Zoning By-law No. 6593 be modified by:

(1) deleting the words "and in addition to these, ground signs, wall signs and roof signs, pertaining to any advertising matter whatsoever," in the third, fourth and fifth lines;

(2) deleting the words "for each of the two categories mentioned," in the sixth line so the clause reads as follows:

(d) ground signs, wall signs and roof signs, the advertising matter of which pertains only to the occupancy or use of the lot or building upon which they are erected provided that:

(3) adding a new clause (dd) as follows:

(dd) A third party/billboard sign in accordance with the provisions of Section 18.(15).

(xi) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection as follows:

"Special Requirements for Third Party/Billboard Signs"

(15) Notwithstanding any other provisions in this By-law, the following provisions shall apply to every third party/billboard sign:

(1) Third party/billboard signs shall be ground signs or wall signs only;

(2) Third party/billboard signs shall be permitted only in: "G-1", "G-2", "H", "HH", "J", "JJ", "K", and "KK" Districts, subject to the following requirements:

(a) a maximum of one third party/billboard sign with up to two faces shall be permitted per property;

(b) third party/billboard signs shall be prohibited on the lands located within Area "A" shown on Schedule "I" of Section 18A;

(c) a minimum separation distance of 100 metres between each third party/billboard sign shall be provided and maintained;

(d) a third party/billboard sign shall be a minimum of 30 metres from a residential district;

(e) a third party/billboard sign shall have a maximum height of 7.6 metres;

(f) a third party/billboard sign shall have a maximum sign area of 25 square metres per face; and,

(g) no third party/billboard sign shall be illuminated unless the source of the light is steady and suitably shielded to contain the illumination.

(xii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(xiii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) That staff be directed to monitor the by-law to regulate billboards and report back to the Planning and Development Committee in one year.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a general text amendment to the City of Hamilton Zoning By-law No. 6593, to incorporate more specific regulations for third party/billboard signs.

The effect of the by-law is to:

- add the term "billboards" to the definition of "third party signs";
- establish special requirements for third party/billboard signs as follows:
  - permit third party/billboard signs as ground signs or wall signs only;
  - permit a maximum of one sign with up to two faces per property;

- require a minimum separation distance of 100 metres between each third party/billboard sign;

- require a third party/billboard sign to be a minimum of 30 metres from a residential district;

- permit a third party/billboard sign to a maximum height of 7.6 metres and a maximum sign area of 25 m^2 per face; and,

- require illuminated third party/billboard signs to have a steady light source and be shielded to contain the illumination.

- permit third party/billboard signs only in the "G-1" (Designed Shopping Centre) District, "G-2" (Regional Shopping Centres) District, "H" (Community Shopping and Commercial, etc.) District, "HH" (Restricted Community Shopping and Commercial, etc.) District, "J" (Light and Limited Heavy Industry, etc) District, "JJ" (Restricted Light Industrial) District, "K" (Heavy Industry, etc.) District and "KK" (Restricted Heavy Industrial) District. Each district may have specific regulations in addition to the special requirements for third party/billboards; and,

- third party/billboard signs will be prohibited in the central business district as shown on the attached APPENDIX "B" (e.g. "I" (Central Business District, etc.) and "HI" (Civic Centre Protected) Districts), and have been deleted from the "G" (Neighbourhood Shopping Centre, etc.) District.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

This study is being undertaken to deal with the following concerns:

- lack of regulations regarding the placement of billboard signs creates clutter, and obstructs existing signs;

- the number of signs and size of sign faces;

- separation distance between signs; and,

- location of signs.

Planning and Development Committee, at their meeting of 1996 April 3, resolved as follows:

> *"That staff be directed to prepare, as expeditiously as possible, a study with regard to the regulations of Billboards/Third Party Signs and subsequently to prepare a draft by-law and that staff prepare for the next Committee meeting, a report regarding same."*

Main Concerns of the Industry

A number of sign companies (other than Mediacom) have billboards in the City. In an effort to ensure all the issues were addressed in the study, a meeting was convened on April 18, 1996, with representatives of the sign companies. The purpose of this meeting was to get a consensus on what the industry perceives as the issues. Attending were representatives from: Mediacom; Gould; Gallop & Gallop; Urban Outdoor; Omni; and Neon Products.

There was consensus on the issues raised by Mediacom. In addition, the following concerns were raised:

- number of signs per property;
- minimum separation distance from residential districts;
- side yard setbacks;
- continuation of rooftop billboard signs;
- size of sign faces;
- opportunity to replace legal non-conforming structures (provision of a "replacement clause");
- separation distances between signs should take into consideration downtown location where properties are typically smaller than more suburban locations; and,
- permitting billboard signs in hydro and railway corridors.

Existing Regulations

Billboard signs are presently regulated under Zoning By-law No. 6593. The term "billboard" only appears in the "H" (Community Shopping and Commercial, etc.) District, but the term is not defined in the by-law. The Building Department interprets any "third party sign" (ie. wall, roof, pylon, window or any such sign) to be a "billboard".

Billboard/third party signs are permitted in the following zoning districts: "G", "G-1", "G-2", "H", "HH", "I", "HI", "J", "JJ", "K", and "KK". These signs must meet the applicable district requirements (e.g. height, yards, area, location, etc.) which vary depending on the district in which they are located.

Present Status

Permit Applications

The Building Department advises that between January 1995 and March 1996, there have been a total of 86 permit applications for billboard signs in the City. In the week of March 11, 1996 there were 12 permit applications, and on April 18, 1996 (the day staff met with industry representatives to discuss the issues associated with billboards) there were 13 permit applications received.

The Committee of Adjustment, on April 24, 1996, denied an application to permit three third party/billboards in a "CR" (Commercial - Residential) District with additional variances requested for height and setbacks.

In addition, there have been a number inquiries of both the Planning and Building Department staff regarding billboards, including inquiries for areas where they are not presently permitted (ie. the "M" Districts).

Inventory

In a survey of other municipalities undertaken as part of this study, it became apparent that an accurate inventory of signs in the City may be necessary for the administration of regulations (ie. minimum separation distances). The City does not have such an inventory. The sign companies were requested to provide the number and location of all their signs in the City. Not all this information was available at the time of writing, however the sign companies have indicated it will be provided. Based on the information available at the time this report was prepared, there are a total of 502 signs throughout the City. The number of signs/ company is broken down as follows:

Mediacom	335	
Gould	79	
Gallop & Gallop	55	
Omni	13	
Urban Outdoor	20	**not confirmed**
Total	502	

For comparison purposes, the number of signs in cities with a similar population to Hamilton were:

City	Population	Number of Signs
Windsor	265,000	280
London	400,000	375
St. Catherines/ Niagara Falls	371,000	336
Halifax	335,500	255
Kitchener	382,500	152

Source: City of London - Sign and Canopy By-law Review - December 1995 - Appendix "E"

Summary of Survey Findings

A survey of nine (9) municipalities regulations regarding billboard signs was carried out in April 1996 (See APPENDIX "A"). All nine (9) municipalities surveyed were asked the following questions:

How are billboards Regulated? Municipal Act or Planning Act.
All nine (9) of the municipalities surveyed regulate billboard signs under the Municipal Act.

Where are billboards permitted?
Seven (7) of the municipalities surveyed permitted billboards in industrial and commercial zones. Mississauga only permits them on vacant industrial and commercial lands;

Four (4) of the municipalities surveyed permit billboards on railway right-of-ways; and,

Two (2) of the municipalities surveyed designate specific locations for billboard signs within their city (i.e. Guelph and London).

How many billboard structures/faces are permitted on a lot?
In general, municipalities limit the number of signs and/or faces per lot as follows:-

- Guelph permits two (2) billboard structures per specific location with a maximum of four (4) faces;

- Brampton and St. Catharines permit one (1) billboard structure per lot with a maximum of two (2) faces;

- London and Scarborough have a numerical cap for the whole city;

- Toronto limits the number of signs permitted per lot by the separation distance between each.

What is the separation distance between billboard structures?
Most of the municipalities surveyed had a separation of at least 100 m (300 ft.) [Kitchener, London, Scarborough, St. Catharines] or greater (i.e. 300 m [1000 ft.]) between billboard structures (i.e. Brampton, Toronto). The 300 m (1000 ft.) distance separation for Toronto is only applicable to billboard signs over 70.0 m^2, and are typically found along major highway right-of-ways, such as the Gardiner Expressway.

What are the on site location restrictions?
The two most common on-site restrictions are: a minimum distance separation of 30.0 m (100 ft.) from a Residential District; and, billboards may not be located on a roof top (i.e. Brampton, London, Mississauga, Stoney Creek, respectively).

With respect to setbacks (i.e. front, side or rear yard setbacks), most municipalities require billboard signs to have a front yard setback combined with a distance separation from a residential district, as noted above. The minimum front yard setback for signs varied greatly among the municipalities (i.e. 1.5 m, 2.0 m, 3.0 m, 10.0 m., 30.0 m minimum front yard setbacks). The City of Kitchener requires billboard signs to be behind the required building setbacks.

What are the sign area and height restriction?
Although, five (5) of the nine (9) municipalities surveyed permit a sign area of 25.0 m^2 (269 sq. ft.) or greater, it was expressed that the average sign area of a billboard is 25.0 m^2 (269 sq. ft.). The average maximum height of a billboard structure was 7.62 m (25.0 ft.).

It was indicated that billboard signs greater than 25.0 m^2 (269. sq. ft.), typically 62.0 m^2[672 sq. ft.], appear along major highway right-of-ways, such as Toronto's Gardiner Expressway.

Discussion of Issues

Several issues were identified in discussions with representatives of the sign companies and the survey of other municipalities, which require further consideration.

Prohibition in the Downtown Core

The need to regulate billboards in the City was raised by Mediacom because of their concern regarding the increase of the number of billboards in the past year and the potential for clutter. It is fair to say, even in the absence of a complete inventory, that the majority of billboards are located in the downtown core. While a certain amount of clutter may be tolerated and even considered attractive as an urban art form, there is a point at which the clutter will lead to a negative image in the downtown.

The downtown is a unique part of the City. In order to preserve and enhance the features that make it unique and also to ensure the streetscape and aesthetics do not become cluttered, it is

appropriate to remove third party/billboard signs as a permitted use in the downtown (see attached APPENDIX "B").

However, given the nature of the present billboard structure, there may be creative solutions available to the industry which may better suit the downtown.

"Replacement Clause"

One of the sign companies noted that both the Cities of Toronto and London included a "replacement clause" in their sign by-laws. This clause allows signs which became legal non-conforming as a result of the passage of the by-law, to be maintained and rebuilt. Both of these cities regulate billboards in accordance with the Municipal Act. Hamilton regulates third party/billboard signs in accordance with the Planning Act. This allows any building or structure which was lawfully used prior to the passage of the zoning by-law to continue after the by-law is passed. Therefore a third party/billboard sign lawfully erected today, can continue in place after any subsequent amendments to the zoning by-law which would not permit such a use. On this basis, a "replacement" clause is unnecessary. Signs which become legal non-conforming will be allowed to remain in accordance with the Planning Act, and case law decided thereunder.

Rooftop Billboards

The survey of municipalities indicated four out of a total of nine cities prohibit billboards on rooftops (London, Brampton, Mississagua and Stoney Creek). A conventional billboard structure put onto the roof of an existing building arguably does not contribute to the aesthetics of the streetscape and contributes to clutter. (See attached photos APPENDIX "C"). On this basis, the prohibition of rooftop third party/billboard signs can be supported.

"M" (Prestige Industrial) Districts

The East Mountain Industrial Park is a quasi-prestige industrial business park with a commercial component. Billboards are not permitted in this area. The range of permitted uses and performance standards in the "M" Districts are considerably more restrictive than the regulations for the "J" and "K" Districts, where third party/billboard signs are permitted.

In 1991, an extensive study of the "M" (Prestige Industrial) Districts was undertaken. As part of this study, the range of permitted uses was extensively reviewed. The findings of this study did not recommend adding third party/billboard signs to the list of permitted uses in the "M" Districts. This conclusion is still considered valid.

"G" (Neighbourhood Shopping Centre, etc.) District

Third party signs, which are wall signs, are presently permitted in the "G" District. The only other signs permitted in the District are business identification signs which are wall signs of a limited size. A neighbourhood shopping centre is typically on a smaller lot adjacent to residential

districts. Given the present limitations on business identification signs as well as the proximity of these areas to residential uses, the removal of third party signs from the "G" District, including billboards, can be supported.

Recommended Changes to Regulate Billboards

Based on the findings of the survey of other municipalities and discussions with the sign companies, a number of changes to Zoning By-law No. 6593 to regulate "billboards", can be supported. These include:

- billboards to be defined in the zoning by-law as a "third party/billboard sign";
- permit "third party/billboards" in the same Districts in which "third party signs" are currently permitted, except for: the "downtown core" (including the "HI" and "I" Districts - see APPENDIX "B" attached); and, the "G" District;
- provision for a minimum separation distance of 100 m from the nearest "billboard". The survey indicated that 4 municipalities (including London and Kitchener) had a minimum separation distance of 100 m. Two cities were as high as 300 m;
- minimum separation distance from a residential district of 30 m. Three of the surveyed municipalities (including London) had this as a minimum, however, others had as little as 10 m (Toronto) and others had as much as 150 m (Kitchener);
- maximum height of 7.6 m. Five of the nine municipalities surveyed (including Kitchener and London) permit a maximum height in this range;
- third party/billboard signs will be permitted as ground signs and wall signs only. Four of the surveyed municipalities (including London) do not permit rooftop billboards;
- maximum sign area per face of 25 m^2. The most common industry size is approximately 18.58 m^2 (200 square feet - 10 feet by 20 feet). Two cities surveyed (including Kitchener) have a maximum of 25 m^2. Others range from 20 m^2 (Brampton) to 65 m^2 (Scarborough); and,
- maximum of 1 billboard with 2 sign faces per property. Four cities surveyed regulate by the number of signs per property (including Kitchener). Others regulate by a minimum separation distance (2), and a numerical cap (2 including London).

Monitoring

The Committee may want to consider monitoring the by-law for a year, and direct staff to report back on such matters as:

- problems with the proposed regulations;
- sign permit activity; and,
- the inventory of billboards.

Monitoring will provide the opportunity to evaluate the effectiveness of the by-law.

This report was prepared in consultation with the Building Department and the Law Department.

CONCLUSION:

Based on the foregoing, amendments to Zoning By-law No. 6593 to regulate billboards can be supported. Further, staff should be directed to monitor the effectiveness of this by-law for a year and report back to Committee.

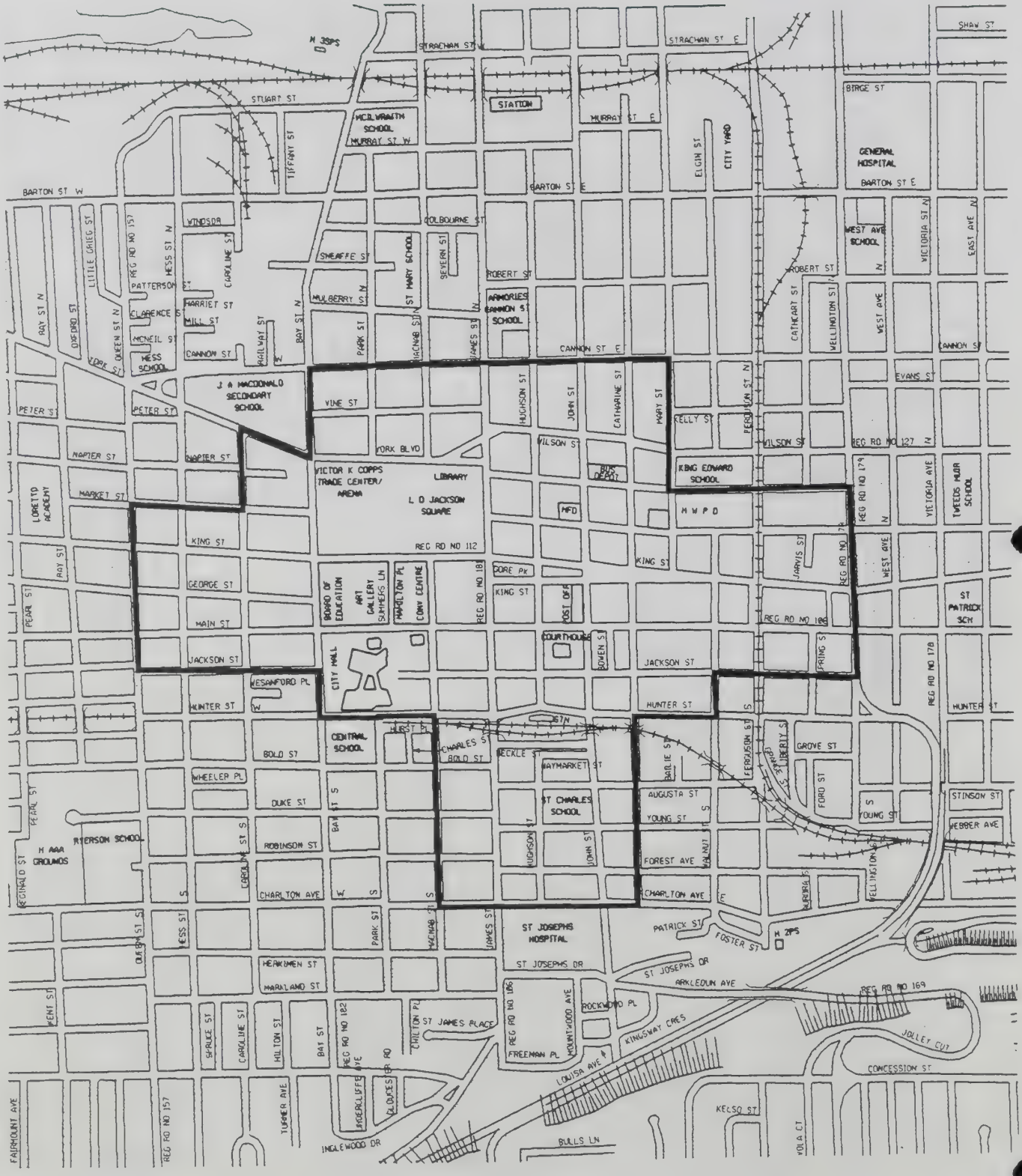
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CI-96-D

APPENDIX "A"

Survey of Billboard Sign Regulations

	Brampton	Toronto	Guelph	Kitchener	London	Mississauga	Scarborough	St. Catharines	Stoney Creek
How are billboard Signs Regulated ?	Municipal Act	Municipal Act	Municipal Act	Municipal Act	Municipal Act	Municipal Act	Municipal Act	Municipal Act	Municipal Act
Where are billboards permitted?	-Industrial and Commercial Lands; One (1) hectare in size min.	- Ground sign type in industrial zone only. - Wall sign type in Commercial Residential and Mixed Commercail Residential zones only. - Railway right-of-way.	- Railway right-of-ways only, at particular locations within the City.	- Industrial Business Park and Agricultural. - Also Service Commercial zones.	- Specific location no road allowance no residential zones.	- Vacant lands only (ie. commercial, industrial, H-Harbour, T-Railway, I-Institutional)	- Vacant commercial and industrial lands.	- All zones except residential land including green belt or agricultural	- All zones except residential lands
How many billboard structures/faces are permitted on a lot?	- Limited by separation distance.	- Limited by separation distance.	- Two (2) billboard structures; four (4) face/per location.	- Two (2) per lot maximum of four (4) faces per location.	- Population of city 1300 = # permitted.	- One (1) per lot, if on H-Harbour, T-Railway or I-Institutional lands.	- 267 faces permitted in whole city.	- Two (2) faces per lot.	N/A
What is the separation distance between billboard structures?	- 305 m (1000 ft.)	- 60.0 m (196.8 ft.)* between signs. - 300.0 m (989 ft.) between signs over 70.0 m^2 (753 sq.ft.)	- No separation distance - Six (6) * locations within city only.	- 100 metres of one another.	- 100 m (328 ft.) from another located on either side of the same street.	- 91.44 m (300 ft.) from another on same side street.	- 100 m (25 ft.) from another on same side street	- 100 m (328.1) from another on the same side of street	- 15 m from another on the same side of street
What are the on site location restrictions?	- Setback - 10 m (30 ft.) from any lot line. - 30 m (100 ft.) from residential zones.	- Setback - 2.0 m (6 ft.) from street line and 6.0 m (20 ft.) from the point of intersection of two (2) street lines. - 10 m (30 ft.) from Residential District. - 20 m (60 ft.) if illuminated.	- No roof tops.	- Behind any required building line setback. - 150 m (492 ft.) from a residential zone.	- 3 m from any street line. - 3 m from any property line. - 30.0 m (100 ft.) from a residential zone - same side of street. - No roof tops.	- Setback - 3.05 m (10 ft.) from front lot line - 60.96 m (200 ft.) from residential zone - front face 15.29 (50 ft.) back face. - No roof tops	- 3.0 m (10 ft.) min. from any property line - Setback 30 m (100 ft.) from street line.	- Backs cannot be exposed to street	- Setback 1.5 m max from street line if over 15.0 m^2 - 7.5 m (24.6 sq.ft.) from residential - No roof tops
What are the sign area and height restrictions?	- Area - 20.0 m^2 (215 sq.ft) max. - Height - 7.5 m (24.6 ft.) max.	- Area - 25.0 m^2 (269.1 sq.ft.) - Height - 10.0 m (34.0 ft.) max.	- Area - 29.0 m^2 (215 sq.ft.) - Height - 5.5 m (18.0 ft.) above grade.	- Area - 25.0 m^2 (269.1 sq.ft.) max - Height - 8.0 m (26.7 ft.) max.	- Area - 62.4 m^2 (672 sq.ft.) max. - Height - 7.62 m (250 ft.) max.	- Area - 62.4 m^2 (672 sq.ft.) max. - Height - 7.62 m (25.0 ft.) max.	- Area - 65.0 m^2 (699.6 sq.ft.) max - Height - 7.62 m (25.0 ft.)	- Area - 50.0 m^2 (538.2 sq.ft.) max - Height - N/A	- Area - 60% of 2x frontage (typ. 25.0 m) (269 sq.ft.) max - Height - 10.5 m (34.0 ft.) max.

APPENDIX "B"


STRACHAN ST W
STRACHAN ST E
STUART ST
STATION
MURRAY ST E
MCILWRAITH SCHOOL
MURRAY ST W
TIFFANY ST
ELGIN ST
CITY YARD
BIRGE ST
GENERAL HOSPITAL
BARTON ST E
BARTON ST W
COLBOURNE ST
SHEAFFE ST
MULBERRY ST
ST MARY SCHOOL
SEVERN ST
ROBERT ST
ARMORIES
CANNON ST SCHOOL
CANNON ST E
CANNON ST
WEST AVE SCHOOL
VICTORIA ST N
EAST AVE N
CATHCART ST
WELLINGTON ST
WEST AVE
EVANS ST
WINDSOR
CAROLINE ST
HARRIET ST
PATTERSON
CLARENCE ST
MILL ST
MCNEIL ST
MESS SCHOOL
CANNON ST
HAILWAY ST
BAY ST N
PARK ST
HUGHSON ST N
JAMES ST N
REG RD NO 137
MESS ST N
QUEEN ST N
YORK ST
OXFORD ST
LITTLE CRAIG ST
RAY ST N
J A MACDONALD SECONDARY SCHOOL
VINE ST
YORK BLVD
PETER ST
NAPIER ST
MARKET ST
LORETTO ACADEMY
RAY ST
PEARL ST
VICTOR K COPPS TRADE CENTER/ ARENA
LIBRARY
L D JACKSON SQUARE
REG RD NO 112
BUS DEPOT
MFD
HWPD
KING EDWARD SCHOOL
HUGHSON ST
JOHN ST
CATHARINE ST
MARY ST
KELLY ST
FERGUSON ST N
WILSON ST
REG RD NO 127
REG RD NO 179
VICTORIA AVE
TWEEDS MUIR SCHOOL
KING ST
GEORGE ST
MAIN ST
JACKSON ST
BOARD OF EDUCATION
ART GALLERY SUMMERS LN
HAMILTON PL
CONV CENTRE
REG RD NO 181
CORE PK
KING ST
POST OFF
JARVIS ST
REG RD NO 178
WEST AVE
ST PATRICK SCH
REG RD NO 186
COURTHOUSE
BOWEN ST
FRING ST
JACKSON ST
HUNTER ST W
CITY HALL
WESANFORD PL
HUNTER ST
HUNTER ST E
REG RD NO 178
CENTRAL SCHOOL
BOLD ST
CHARLES ST
BECKLE ST
WAYMARKET ST
BAILIE ST
FERGUSON ST S
GROVE ST
LIBERTY ST S
FORD ST
STINSON ST
WEBBER AVE
YOUNG ST
AUGUSTA ST
ST CHARLES SCHOOL
WHEELER PL
DUKE ST
ROBINSON ST
CHARLTON AVE W
CHARLTON AVE E
FOREST AVE
WALNUT ST
RIVERSIDE DR
RIVERSIDE SCHOOL
AAA CROUMOS
REGINALD ST
CAROLINE ST S
BAY ST S
PARK ST S
MACNAB ST S
JAMES ST S
OUR BOY ST
KENT ST
LESS ST
HEARTMEN ST
MARYLAND ST
ST JOSEPHS HOSPITAL
ST JOSEPHS DR
PATRICK ST
FOSTER ST
ARKLEDUN AVE
REG RD NO 169
ROCKWOOD PL
MOUNTWOOD AVE
REG RD NO 186
FREEMAN PL
KINGSWAY CRES
JOLLEY CUT
CONCESSION ST
LOUISA AVE
KECSO ST
VOLA CT
BULLS LN
SPRUCE ST
CAROLINE ST
HILTON ST
BAY ST
REG RD NO 182
CARLTON PL
ST JAMES PLACE
ANGERCLIFFE AVE
GLADDES DR RD
INGLEWOOD DR
TUSHER AVE
FAIRMOUNT AVE
REG RD NO 157

ROOFTOP BILLBOARDS:



Mohawk Road East at Upper Gage Avenue (NW Corner)
Zone - "H" District



Mohawk Road East at Upper Gage Avenue (NE Corner)
Zone - "H" District

APPENDIX "C"

ROOFTOP BILLBOARD DOWNTOWN:



Main Street East between Catharine Street at Walnut St. S. (North side)
Zone - "I" District



WALL BILLBOARDS DOWNTOWN:

James Street North and York Boulevard (SE Corner)
Zone - "H" District

ROOFTOP BILLBOARDS:



Upper James Street approaching Claremont Access
Zone - "H" District



Upper James Street at Fennell Avenue
Zone - "H" District

GROUND SIGN BILLBOARD:



Mohawk Road East at Upper Sherman Avenue (SW Corner)
Zone - "H" District



ROOFTOP BILLBOARD:

Mohawk Road East at Upper Sherman Avenue (NE Corner)
Zone - "H" District

GROUND SIGN BILLBOARDS:



Barton Street East at John Street North (NE Corner)
Zone - "H" District, next to Residential District



King Street East at Gage Avenue South (SE Corner)
Zone - "D" District, within and next to Residential District

BILLBOARDS:



Main Street West and Hwy #403
Zone - "K" District, Information Overload and
Billboards dominate Traffic Directional Information



Main Street West and Hwy #403
Zone - "H" District, Information Overload and
Billboards dominate Traffic Directional Information

46)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 9 1996

DATE: 1996 April 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
39 NORTH OVAL - Tag Number 96201
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 39 North Oval in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-33)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Two Family Dwelling

BRIEF DESCRIPTION: Owner wishes to demolish the one storey brick dwelling and rebuild a two family dwelling under Bill 120. No LACAC interest. A building permit application for the above mentioned property was made by Mark Cole on April 1, 1996 under Tag No. 96202. At present, Mark Cole is not the owner of the property. However, based on the information provided on the permit application, he is the authorized agent for the owner (prospective owner). The issuance of a building permit is pending the submission of additional information (Building Code requirements) requested in a letter dated April 18, 1996. Lot size 30' x 123'.

The owner of the property as per the demolition permit is:

Margaret White Muriel/
39 North Oval
Hamilton, Ontario L8S 3Y7

care of Ray Fazakas
942 King Street West
Hamilton, Ontario L8P 2B4

ND/zr

6.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 May 8
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 April 17

B. BUILDING COMMISSIONER

a) Barton Street Revitalization

b) 33 Clifford St - Demolition

c) 697 Upper James St - Demolition

d) 1275 Upper James St - Demolition

e) 917 West 5th St - Demolition

C. COMMISSIONER, REGIONAL ENVIRONMENT DEPARTMENT

Kemp Estates, Kentley Lane, Cash in lieu of 5% Parkland Dedication

D. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Demolition of Twin Gazebos at Dundurn Castle - Heritage Permit Application

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A

Wednesday, 1996 April 17
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:	Alderman F. Eisenberger, Acting Chairperson Mayor Robert M. Morrow Alderman Copps Alderman M. Caplan Alderman B. Charters Alderman Wm. McCulloch Alderman H. Merling
Regrets:	Alderman D. Drury Alderman F. D'Amico - A.P.A. Conference
Also Present:	Alderman C. Collins Paul Mallard, Planning Department Bill Janssen, Planning Department Joanne Hickey-Evans, Planning Department Caroline Floroff - Planning Department Eugene Chajka, Regional Environment Department Patrice Noé Johnson, City Solicitor Geoff Aston, Roads Department Peter Lampman, Building Department Tina Agnello, Secretary

THE COMMITTEE MEMBERS APPOINTED ALDERMAN F. EISENBERGER AS THE ACTING CHAIRPERSON FOR THIS MEETING.

1. **Zoning Application 95-21, by Micor Development Inc., owner, for a further modification to the established "DE" District modified for property located at south-west corner of Chedmac Drive and Rice Avenue.**

Paul Mallard advised that this application is to allow for 40 townhouse units. A 6 storey apartment use by-law is to be repealed. The zoning will be placed in a holding by-law.

Out of 581 notices circulated, 7 replied in favour and 18 opposed.

Jack Pellick, the agent for the applicant and Harry Johns, the current owner were present.

Jack Pellick advised that the application will be subject to site plan approval. It is compatible with the existing development and that the application is down zoning to a less intensive use to 1 1/2 storey townhouses. He advised that many people are already interested in purchasing the units.

With regard to concern about the noise, he said that the applicant is taking steps to alleviate the noise.

Alderman Copps was opposed. She does not feel that all these townhouses were necessary in this area.

As recommended by the Director of Planning and Development in a report dated 1996 April 12, the Committee recommended as follows:

(a) That approval be given to Zoning Application 95-21, Micor Developments Inc., prospective owner, requesting a further modification to the established "DE" (Low Density Multiple Dwellings) District, for property located at south-west corner of Chedmac Drive and Rice Avenue, shown as Block "2" on the attached map marked as APPENDIX "A", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of Block "2" until the applicant has completed a noise study, and any required works, to the satisfaction of the Ministry of Environment and Energy.

City Council may remove the 'H' symbol, and thereby give effect to the "DE" District, modified, provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled;

(ii) That Blocks "1" & "2" of the subject lands be zoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District;

(iii) That the "DE" (Low Density Multiple Dwellings) District regulations as contained in Section 10A of By-law No. 6593, applicable to Blocks "1" & "2", be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10A(1) of Zoning By-law No. 6593, a maximum of forty-one (41) townhouse units shall be permitted on Block "1", and a maximum of forty (40) townhouse units shall be permitted on

Block "2", subject to the "RT-20" (Townhouse - Maisonette) District provisions of Section 10E;

(2) That notwithstanding Section 10E(3) of Zoning By-law No. 6593, no building or structure shall exceed one and a half (1-1/2) storeys and 9.5 m (31.16 feet) in height on Blocks "1" & "2";

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1357, and that the subject lands on Zoning District Map W-37 be notated S-1357;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37 for presentation to City Council;

(vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(vii) That the Approved Mountview Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Attached Housing" upon finalization of the implementing By-law.

(b) That By-law No. 91-207, applicable to the subject lands, be repealed in its entirety.

*Alderman Copps recorded as opposed.

2. **DIRECTOR OF PLANNING AND DEVELOPMENT**

ZAR-95-06, 603976 Ontario Inc.,(Terra Homes) - Request for removal of the holding symbol for lands located east of Upper James Street and North of Chipman Avenue

Paul Mallard advised that since the necessary servicing is in place, this recommendation before the Committee is a formality to remove the "H" District.

As recommended by the Director of Planning and Development in a report dated 1996 April 10, the Committee recommended to Council as follows:

(a) That approval be given to Zoning Application 95-06, 603976 Ontario Inc. (Terra Homes), owner, requesting removal of the 'H' (Holding) symbol provision under Section 36 of the Planning Act to allow for the development of the subject lands for single detached dwellings through plan of subdivision, for lands located in the area east of Upper James Street and north of Chipman Avenue, as shown on the attached map marked as APPENDIX "B";

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593, as amended by By-Law No. 90-351, for presentation to City Council.

3. **CITY SOLICITOR, DIRECTOR OF PLANNING AND BUILDING COMMISSIONER**

Mobile Signs (copy to follow)

The Committee was in receipt of a report dated 1996 April 12.

Caroline Floroff advised that this proposal intends to limit one sign per property and that no third party advertising will be permitted. Also no mobile signs will be permitted in the downtown core. She stated that at present input is being requested from other department. At present, she stated that the zoning by-law is enforced by complaint or for safety reasons. The new by-law will be enforced by the Building Department. Other municipalities have advised that the enforcement must be proactive in order to be effective, especially in corridors such as Upper James.

In response to a question from Alderman Copps, Caroline Floroff advised that one sign will be permitted on a property and this includes one sign only for a property such as a strip plaza.

The Mayor suggested that the Downtown Development Corporation and the B.I.A.'s be contacted for comment.

Caroline Floroff stated that it is imperative to promote a high level of outreach with the public in this matter.

Alderman Eisenberger commended the staff on their speedy delivery of this.

As recommended in the report from the Director of Planning and Development, the Building Commissioner, the City Solicitor and the Chief Administrative Officer dated 1996 April 12, the Committee resolved that staff be directed to schedule a public meeting of the Planning and Development Committee for 1996 May 22, at 7:00 p.m to consider a draft by-law to regulate mobile signs in accordance with the Municipal Act, R.S.O. and that the appropriate public notice be given.

4. BUILDING COMMISSIONER

Clean Soils on Pier 126

The Committee was in receipt of a report from the Building Commissioner dated 1996 April 12.

Alderman Collins was available and he stated that this item will be going to the Transport and Environment Committee in the following week. He explained that there are problems with heavy truck traffic, dust and burnings of material and that the residents are concerned. He stated that the establishment which is presently there operates a soil remediation business. The reason why Clean Soils was given permission to operate is because they stated that they were primarily shipping and navigation, and therefore the use would be permitted. Alderman Collins felt that they should be operating under the City's jurisdiction because their use is not primarily shipping and navigation.

Peter Lampman stated that it was originally approved by the City because the proponents said that 90% of their materials would be brought in by ship. The key issue is the shipping and navigation issue. If they are not found to be primarily a shipping and navigation operation then they must be charged under the zoning by-law or must be taken to court.

Alderman Charters stated that they are not operating within the zoning by-laws and not paying taxes as well. He stated that this whole issue with the Harbour Commissioners is counterproductive to what the City is trying to do. They are creating a problem and they are also not contributing to the City's services by paying taxes.

Alderman Merling stated that they are not conforming to the zoning by-law but Council through the Transport and Environment Committee endorsed the operation. As such the Transport and Environment Committee is dealing with it since they previously endorsed it on the basis that the operation was legal.

The City Solicitor added that the information before the Transport and Environment Committee on this occasion will be different than when it was first approved.

Alderman Collins pointed out that even when the original resolution was passed the Building and Planning Departments had negative recommendations until they were reassured by the proponents of the operation that 90% of their operation would be shipping and navigation.

Following discussion, the Committee resolved to receive the report and forward it to the Transport and Environment Committee for information.

5. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 April 3

The minutes of the meeting held 1996 April 3 were adopted as circulated.

The Committee recommended to Council various recommendations as follows:

B. BUILDING COMMISSIONER

(a) 37 Burlington Street East - Hamilton Emergency Loan Program - dated 1996 April 1

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, three hundred and fifty dollars (1,350) be approved for Lisa Blawatt, 37 Burlington Street East. The interest rate will be 8 per cent amortized over 5 years.

(b) 328 Barton Street East - Commercial Property Improvement Loan Program - dated 1996 April 1

(i) (1) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Minh Vu and Thuan Dang for improvements to 328 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3 1/2 per cent, amortized over 10 years, and;

(2) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program, and;

(ii) (1) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Minh Vu and Thuan Dang for exterior storefront improvements to 328 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3 1/2 per cent, amortized over 10 years, and;

(2) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(c) 1996 Annual Conference of the Ontario Association of Committees of Adjustment - dated 1996 April 11

As amended:

That the Chairman of the Committee of Adjustment or his nominee be authorized to attend the 1996 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for three days, 1996 June 2 - 5, in Barrie Ontario at an expense not to exceed $880 to be charged to account CH 55201-10010, Legislative Travelling.

Prior to voting on the motion, a discussion ensued with regard as to how many members should attend this conference. After debate the Committee concurred that sending one person would be sufficient.

C. DIRECTOR OF PLANNING AND DEVELOPMENT

Extension of Draft Plan Approval "Wisemount Estates" Subdivision, by Urbex Engineering Limited, agent, on behalf of 822827 Ontario Inc., owner, Regional File No. 25T-83004 (Lisgar Neighbourhood). - dated 1996 April 9

(a) That the request by Urbex Engineering Limited, agent, on behalf of 822827 Ontario Inc., owner, to extend draft plan approval for "Wisemount Estates" subdivision under Regional File No. 25T-83004 for a further five (5) year period to May 13, 2001, be approved.

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

Prior to voting on the motion, Alderman Charters asked a question with regard to a parcel which has had questionable zoning.

Paul Mallard advised that the lands are zoned R4 in the front and that the zoning has been resolved.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

As recommended in a report dated 1996 April 11, the Committee received for information purposes the following Information Items:

(a) Al Leach, Minister of Municipal Affairs and Housing re: Amendments to the Planning Act- New approach to Land Use Planning, dated 1996 March 11

(b) J.D. Thoms, Commissioner, Regional Environment Department re: New Approach to Land Use Planning and merging of Regional Departments, dated 1996 April 1

(c) City Solicitor re: Appeal of Hamilton Harbour Commissioners to OMB, dated 1996 April 10

(d) Director of Planning re: Approved Site Plan Control Applications, dated 1996 April 3

6. OTHER BUSINESS

None.

7. ADJOURNMENT

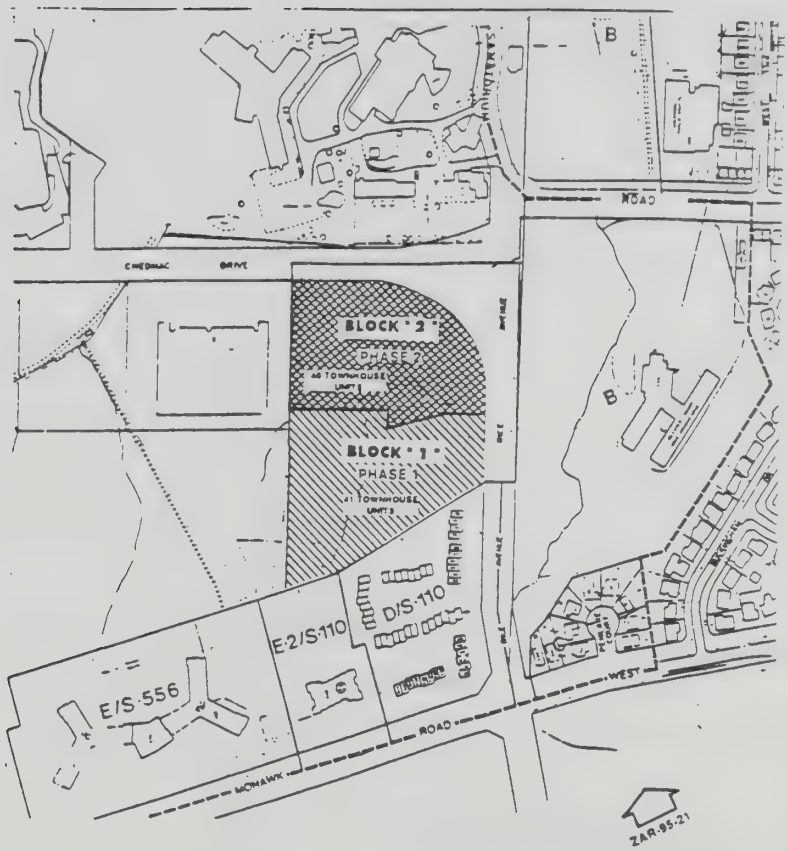
There being no further business, the Committee meeting adjourned.

Taken as read and approved.

Alderman Don Drury, Chairperson
Planning and Development Committee

Tina Agnello

Appendix "A" as referred to in Section 1. (a) of the Planning and Development Committee Minutes dated 1996 April 17



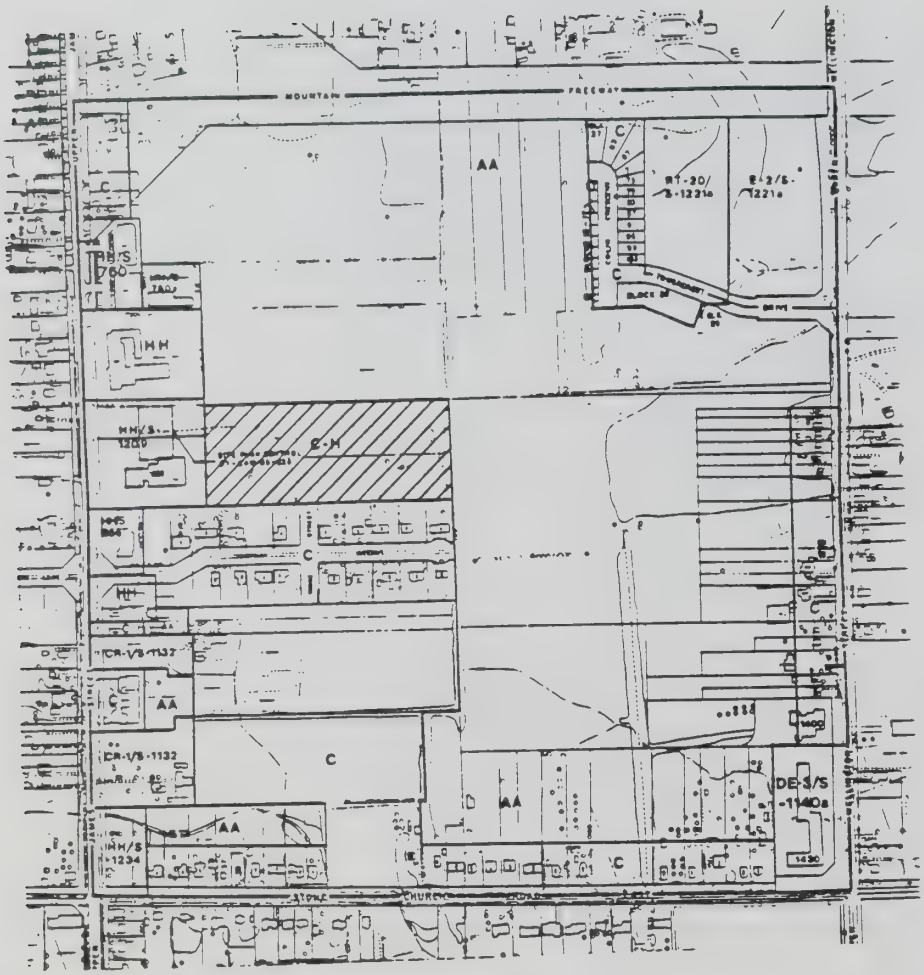
APPENDIX A

LEGEND:

Block "1" - From "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, Modified

Block "2" - From "AA" (Agricultural) District to "DE" - 'H' (Low Density Multiple Dwellings - Holding) District, Modified

Appendix "B" as referred to in
Section 2 (a) of the Planning and
Development Committee Minutes
dated 1996 April 17



Legend

Site of the Application

ZAR-95-06

Ba)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 9 1996

DATE: 1996 April 25

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization (96.2.14, 96.2.4.2.1.A)

RECOMMENDATION:

(a) That the budget as outlined in Schedule A be approved for the purchase of decorative Christmas Wreaths for the Barton Street Improvement Area; and,

(b) That the City Treasurer be authorized and directed to forward $ 8,469.06 to the Barton Street B.I.A..

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $300,000 has been provided by the province for the revitalization program. The Province of Ontario will provide a total of $1,000,000 directly to the City of Hamilton. Full funding for the street festival has been budgeted and provided from provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals and street enhancement.

As part of the revitalization program, the B.I.A. proposed that street festivals would be held on Barton Street. This proposal was approved by Council and a yearly budget of $40,000 was provided for street festivals.

.../2

The resolution approved by Council states as follows:

> The City will provide up to $40,000 yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
>
> Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

The B.I.A. has submitted a budget of $8,469.69 (see attached Schedule A) for the purchase of the Christmas Wreaths from the Street Festival portion of the Barton Street Redevelopment Plan.

The B.I.A. received three quotes for the wreaths with the successful quote submitted by Crozier Agencies.

DC/dc
encl.

Schedule A

XMAS DECORATION QUOTATIONS

ENLIGHTING DESIGN & DISPLAY

SINGLE RING POLE MOUNT WREATH	30 UNITS @ $250 EA	$7,500.00	
DOUBLE RING POLE MOUNT WREATH	30 UNITS @ $350 EA		$10,500
TAXES:	PST	$600.00	$ 84L
	GST	$525.00	# 735
	TOTAL	$8,625.00	#12,075

CROZIER AGENCIES

54" WREATH (P331)	30 UNITS @ $340 EA	$10,200.00	
	EARLY BUY DISCOUNT 20%	$2,040.00	
	VOLUME DISCOUNT 5%	$408.00	
	SUBTOTAL	$7,752.00	
	TAXES: PST	$620.16	
	GST	$542.64	
	TOTAL	$8,914.80	
	FULL PAYMENT DISCOUNT 5%	$445.74	
		$8,469.06	⇐ Acceptable

CLASSIC DISPLAYS

4' DELUXE SIDE MOUNT WREATH	30 UNITS @ $330 EA.	$9,900.00	
	10% DISCOUNT	$8,910.00	
	BEFORE MAY 31	$10,246.50	W/TAXES
	7% DSCOUNT	$9,207.00	
	BEFORE JUNE 30	$10,588.05	W/TAXES
	5% DISCOUNT	$9,405.00	
	BEFORE JULY 31	$10,815.75	W/TAXES

B6)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 9 1996

DATE: 1996 April 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
33 CLIFFORD STREET - Tag Number 96322
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 33 Clifford Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	C-S/720, S/1335, S/1335a (Map W-47)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Single Family Dwelling
BRIEF DESCRIPTION:	Owner wishes to demolish the existing one storey, metal siding single family dwelling and rebuild a new singe family dwelling. No LACAC interest. Lot size 69' x 123'.

The owner of the property as per the demolition permit is:

Angela Bettiol
11 Erminia Court
Hamilton, Ontario L8W 3K1

ND/zr

B c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 April 29 APR 2 9 1996

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
697 UPPER JAMES STREET - Tag Number 96328
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 697 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	C (Map E-8)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Single Family Dwelling
BRIEF DESCRIPTION:	Owner wishes to demolish the existing two storey brick and frame single family dwelling and rebuild a new single family dwelling. No LACAC interest. Lot size 50' x 86'.

The owner of the property as per the demolition permit is:

Mr. Pidgeon
14 Leclaire Avenue
Hamilton, Ontario L9C 3X3

ND/zr

B d)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 9 1996

DATE: 1996 April 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1275 UPPER JAMES STREET - Tag Number 96203
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1275 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING:	HH/S-1349
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Development Land
BRIEF DESCRIPTION:	Owner wishes to demolish the 1½ storey frame dwelling for commercial purposes. No LACAC interest. Lot width: 122.910' Lot area: 341,976 ft^2.

The owner of the property as per the demolition permit is:

Hamshire Properties
242 Main Street East
Hamilton, Ontario L3N 1H5

ND/zr

B 2)

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 9 1996

DATE: 1996 April 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
917 WEST 5TH STREET - Tag Number 96371
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 917 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-9B)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: Owner wishes to demolish the single storey frame construction and rebuild a single family dwelling. No LACAC interest. Lot size 75' x 175'.

The owner of the property as per the demolition permit is:

Angros Ent. Ltd.
832 West 5th Street
Hamilton, Ontario L9C 3R5

ND/zr

C.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 April 22
S711-16 P. Strong
S711-18 P. Strong

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner
Regional Environment Department

SUBJECT: **"KEMP ESTATES", "KENTLEY LANE", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)**

RECOMMENDATION:

a) That the City of Hamilton accept the sum of $15,700.00 as a cash payment in lieu of the 5% land dedication in connection with Kemp Estates located in the Redhill Neighbourhood south of Congress Crescent and west of Mount Albion Road, and the sum of $65,000.00 as the cash in lieu of the 5% land dedication in connection with Kentley Lane, Hamilton, located in the Kentley Neighbourhood, being the cash payment required under Section 51 of the Planning Act.

J. D. Thoms,
Commissioner
Regional Environment Department

Eugene P. Chajka, P.Eng.
Manager of Development

cont'd...

DATE: 1996 April 22

"KEMP ESTATES" and "KENTLEY LANE" Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

"KEMP ESTATES"

The owner of Kemp Estates, (Kemp Holdings) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $15,700.00.

The lands of Kemp Estates are located south of Congress Crescent and west of Mount Albion Road in the Redhill Neighbourhood.

"KENTLEY LANE"

The owners of "Kentley Lane", (Homes by DeSantis and Marz Homes Holdings Inc.) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $65,000.00.

The lands of "Kentley Lane" are located south of Kentley Drive and west of Nash Road in the Kentley Neighbourhood.

ps
encl
cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

D.

CITY OF HAMILTON

- RECOMMENDATION -

APR 2 2 1996

DATE: 1996 April 22

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Demolition of Twin Gazebos at Dundurn Castle -
Heritage Permit Application

RECOMMENDATION:

That a Heritage Permit be approved for the demolition of the twin gazebos (c. 1965) on the north lawn of Dundurn Castle.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the provisions of Section 34 of the Ontario Heritage Act, no building or structure located on property designated under Part IV of the Act may be demolished or removed without approval by the Municipal Council.

BACKGROUND:

The two small wooden gazebos on the North (bay side) lawn of Dundurn Castle were constructed in the 1960s to hold and camouflage lighting equipment for the "Sound and Light" show which was held at the time.

These structures are not part of the documented historical landscape and were not constructed in an historically accurate manner. They are now over twenty-five years old and in poor condition. Rotting timbers in the upper portions are an eyesore and safety concern. Large pieces of lumber have been blown off the structures recently.

The gazebos would be demolished to address the above concerns and to make way for the construction of historically accurate flower beds in the area. The climbing roses and hops vines growing on the gazebos will be transplanted to the courtyard garden.

The demolition of the gazebos was approved by the Hamilton Historical Board and the Local Architectural Conservation Advisory Committee at its meetings held 1996 April 9 and 1996 April 15 respectively.

The Ontario Heritage Foundation has agreed that the demolition of these gazebos does not violate the Heritage Easement Agreement.

cc Marilynn Havelka, Culture and Recreation Department
Nina Chapple, Planning and Development Department
Bob Chrystian, Department of Public Works and Traffic

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 May 1

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner: New Hamilton Courthouse - 10 John Street South, dated 1996 April 15

(b) Secretary, LACAC: Minutes of 1996 March 11, dated 1996 April 16

(c) Clerk, Town of Dundas: Delegation of Approval Authority - Consent Applications, dated 1996 April 17

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN/MUNICIPAL
CA4 ON HBL A05
C S I T Y
1996

URBAN MUNICIPAL
MAY 23 1996
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 May 22
9:30 o'clock a.m.
Room 233, City Hall

T Agnello

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETING - 9:30 O'CLOCK A.M.

1. Zoning Application 96-03, by The Pica Group Inc., owner, for a change in zoning from "H" District to "DE-3" district, modified for property located at 475 Main Street East and 46 Grant Avenue.

2. **REFERRALS FROM COUNCIL**

   a) Correspondence from Gould Outdoor Advertising regarding Third Party/ Billboard Signs

   b) Downtown Redevelopment -
   Information Report from Building Commissioner, Director of Planning and Development and Chief Administrative Officer (to follow)

Ken Roberts
C.E.O.
Hamilton Public Library

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 May 22

3. DIRECTOR OF PLANNING AND DEVELOPMENT/ CHIEF ADMINISTRATIVE OFFICER

Request for a further modification in zoning for lands located at 252, 262, and 268 James Street South.

4. BUILDING COMMISSIONER

a) Delegation of Approval Authority to Committee of Adjustment - Land Severence

b) 39 North Oval

5. CONSENT AGENDA

6. PRIVATE AND CONFIDENTIAL AGENDA

7. OTHER BUSINESS

8. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
3.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
4.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculatized if application is modified
5.	Rainwater Leader Bylaw	1995 July 5	Roads and Bulding Departments	Report Forthcoming
6.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
7.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant
8.	Monster Homes a)Public Meeting for Westdale Neighbourhoods b)Study Applicability to other Neighbourhoods in the City	1996 May 8	Staff to schedule public meeting and conduct study for other neighbourhoods	Pending
9.	Demolition - 33 Clifford Street	1996 May 8	Tabled	Pending submission of building plans

1996 May 15

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 May 16
ZAC-96-03
Landsdale Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning for property located at 475 Main Street East and 46 Grant Avenue.

RECOMMENDATION:

That approval be given to amended Zoning Application 96-03, The Pica Group Inc., owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District for Blocks "1" & "2", shown on the attached map marked as APPENDIX "A", on the following basis:

(a) That Blocks "1" & "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District;

(b) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) Notwithstanding Section 10C.(1) of Zoning By-law No. 6593, the following uses shall be permitted on Block "1":

(1) a senior citizens multiple dwelling containing a maximum of seventy-eight (78) "housekeeping dwelling units" only within the existing building;

(2) a dining room only in conjunction with a senior citizens multiple dwelling;

(3) a hair salon only in conjunction with a senior citizens multiple dwelling;

(ii) That Section 10C(3) shall not apply to the existing building on Block "1";

(iii) Notwithstanding Section 10C(5) the gross floor area of the senior citizens multiple dwelling shall not exceed 4480.0 m^2 (48,223.89 S.F.) on Block "1";

(iv) That an amenity area having a minimum gross floor area of 518.0 m^2 (5,575.88 S.F.) including, but not limited to, a library, chapel, games room, bar and lounges, shall be provided and maintained for the senior citizens multiple dwelling within the existing building;

(v) That Section 18. (4)(iv) of Zoning By-law No. 6593 shall not apply;

(vi) Notwithstanding Table 1 of Section 18A of Zoning By-law No. 6593, a minimum of 26 parking spaces shall be required for a senior citizens multiple dwelling containing not more than seventy-eight (78) "housekeeping dwelling units", as follows:

(1) a minimum of ten (10) parking spaces shall be provided and maintained on Block "1" ;

(2) a minimum of sixteen (16) parking spaces shall be provided and maintained on Block "2";

(vii) Notwithstanding Section 18A.(9), sixteen (16) of the required parking spaces for the seniors multiple dwelling shall be provided and maintained on the lot located at No. 46 Grant Avenue (Block "2");

(viii) Notwithstanding Section 18A.(1)(C), one (1) loading space at 9.0 m x 3.7 m x 4.3 m shall be provided and maintained for the senior citizens multiple dwelling on Block "1";

(ix) That for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-13 be notated S- ;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;

(e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(f) That the Approved Landsdale Neighbourhood Plan be amended by redesignating the subject lands from "Civic & Institutional" and "Commercial & Apartments" to "Medium Density Apartments" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District modified, for Blocks "1" & "2", shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the conversion of the existing building (Cathedral Girl's High School) to a multiple dwelling for seniors, containing a maximum of seventy-eight (78) "housekeeping dwelling units" with support services (e.g. dining room, hair salon, library, lounge, etc.) on Block "1", and sixteen (16) parking spaces off-site on Block "2" of the subject lands. The by-law also provides for the following variances as special requirements:

Blocks "1" & "2"

- To permit a dining room and hair salon in conjunction with a senior citizens multiple dwelling;
- To permit an accessory building (gazebo) in the side yard;
- To permit the existing yards to be maintained for the existing building;
- To permit a maximum gross floor area of 4,480.0 m^2 (48,223.89 S.F.), whereas 4,267.85 m^2 (45,940.25 S.F.) is permitted;
- Requires a minimum amenity area of 518.0 m^2 (5,575.88 S.F.) including, but not limited to, a library, chapel, games room, bar and lounges within the existing building;
- Requires a minimum of twenty-six (26) parking spaces for the proposed seniors multiple dwelling (retirement home), as follows:
    - a minimum of 10 parking spaces shall be provided and maintained on Block "1", and;
    - a minimum of 16 parking spaces shall be provided and maintained on Block "2",

  whereas 78 parking spaces are required on Block "1";
- Requires one (1) loading space at 9.0 m x 3.7 m x 4.3 m to be provided and maintained on Block "1" whereas one (1) loading space at 18.0 m x 3.7 m x 4.3 m is required;
- Defines a senior citizens multiple dwelling as a multiple dwelling within which all residents are at least 60 years of age or older.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

The Pica Group Inc., owner.

BACKGROUND:

The applicant has applied for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District modified, to permit the existing building (i.e. former Cathedral Girls' High School) to be converted into a seventy-eight (78) unit multiple dwelling for seniors (See Appendix "C"), located at 475 Main Street East and 46 Grant Avenue, shown on the attached map marked as APPENDIX "A". A total of twenty-six (26) parking spaces are proposed to be provided on site.

In additional the facility will provide a kitchen, common dining room, managers office, nurses room, hair salon, chapel, games room, lounges, and a library.

Furthermore, the applicant submitted Site Plan Control Application DA-96-08, on April 9, 1996, which reflects the above-mentioned proposal. The detailed plans (i.e. Site, Grading and Landscape Plan) have been circulated for comments and are currently under review.

LOT SIZE AND AREA:

Block "1"

- 62.179 m (203 ft.) of lot frontage on Main Street East;
- 76.124 m (249 ft.) of lot depth; and,
- 4733.31 m^2 (50,950.59 S.F.) approx. lot area.

Block "2"

- 14.758 m (48.41 ft.) of lot frontage on Grant Avenue;
- 38.1 m (125 ft.) of lot depth; and,
- 539.78 m^2 (5,810.33 S.F.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands		
Blocks "1" and "2"	Cathedral Girls School /vacant	"H" (Community Shopping and Commercial, etc.) District

Surrounding Lands

to the north	Institutional/Residential	"H" (Community Shopping and Commercial, etc.) District
to the south	Multiple Residential	"H" (Community Shopping and Commercial, etc.) District
to the east	Commercial/Residential	"H" (Community Shopping and Commercial, etc.) District
to the west	Commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated ***"Major Institutional"*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural

vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;

xi) Encourage the rehabilitation and renovation of dwellings as an alternative to demolition in appropriate locations and circumstances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area;"

The proposal does not conflict with the intent of the Official Plan. The Official Plan will be amended through housekeeping to reflect the intended use.

NEIGHBOURHOOD PLAN:

The lands are designated "CIVIC & INSTITUTIONAL" & "COMMERCIAL & APARTMENTS" on the approved Landsdale Neighbourhood Plan. The proposal conflicts with the intent of the Plan. If approved a redesignation would be required from "CIVIC & INSTITUTIONAL" & "COMMERCIAL & APARTMENTS" to "MEDIUM DENSITY APARTMENTS".

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Treasury Department has advised:

  "The following Realty Tax arrears are currently outstanding as at April 1, 1996 with respect to 475 Main Street East:

Property	Year	Taxes	Penalty and/or Interest	Total
475 Main St. E.	1996	$27,660	$449.46	$28,109.46"

- The Department of Public Works and Traffic has advised:

  "It is our understanding that the proposed development falls within the definition of a multiple residential dwelling for the purpose of calculating parking requirements in accordance with the Zoning By-law. As such the required parking for the proposed 84 units at 1.25 spaces per unit is 105 spaces. The submitted plan indicates that a minimum of 26 spaces are to be provided.

  Through discussions with the applicant, we have determined that there may be justification for this type of a reduction but that it would be their responsibility to provide this justification for our review. At the moment we have not received such a document and cannot therefore support the proposal as submitted.

  With reference to the preliminary plan, we have discussed a number of modifications with the applicant that will be required during the site plan control process. Our comments regarding the revised plan will be submitted under Site Plan Application DA-96-08."

- The Building Department has advised that the proposed development requires several variances with respect to the proposed site specific zoning district (i.e. "DE- 3" (Multiple Dwellings) District, modified. The By-law must address the modifications.

- The Roads Departments have advised that they are not opposed to the change in zoning. However, have forwarded the attached comments with respect to the detailed development plans (See APPENDIX "D").

COMMENTS:

1. The proposal does not conflicts with the intent of the Official Plan.

2. The proposal conflicts with the intent of the approved Landsdale Neighbourhood Plan in that the lands are designated "CIVIC & INSTITUTIONAL" & "COMMERCIAL & APARTMENTS". If approved a redesignation would be required to "MEDIUM DENSITY APARTMENTS".

3. The proposal has merit and can be supported for the following reasons:

   - it complies with the intent of the Official Plan;

   - it would be compatible with the existing and planned development in the surrounding area;

   - it is located in close proximity to public transit routes, community facilities and shopping facilities, etc.;

vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;

xi) Encourage the rehabilitation and renovation of dwellings as an alternative to demolition in appropriate locations and circumstances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area;"

The proposal does not conflict with the intent of the Official Plan. The Official Plan will be amended through housekeeping to reflect the intended use.

NEIGHBOURHOOD PLAN:

The lands are designated "CIVIC & INSTITUTIONAL" & "COMMERCIAL & APARTMENTS" on the approved Landsdale Neighbourhood Plan. The proposal conflicts with the intent of the Plan. If approved a redesignation would be required from "CIVIC & INSTITUTIONAL" & "COMMERCIAL & APARTMENTS" to "MEDIUM DENSITY APARTMENTS".

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Treasury Department has advised:

  "The following Realty Tax arrears are currently outstanding as at April 1, 1996 with respect to 475 Main Street East:

Property	Year	Taxes	Penalty and/or Interest	Total
475 Main St. E.	1996	$27,660	$449.46	$28,109.46"

- The Department of Public Works and Traffic has advised:

  "It is our understanding that the proposed development falls within the definition of a multiple residential dwelling for the purpose of calculating parking requirements in accordance with the Zoning By-law. As such the required parking for the proposed 84 units at 1.25 spaces per unit is 105 spaces. The submitted plan indicates that a minimum of 26 spaces are to be provided.

  Through discussions with the applicant, we have determined that there may be justification for this type of a reduction but that it would be their responsibility to provide this justification for our review. At the moment we have not received such a document and cannot therefore support the proposal as submitted.

  With reference to the preliminary plan, we have discussed a number of modifications with the applicant that will be required during the site plan control process. Our comments regarding the revised plan will be submitted under Site Plan Application DA-96-08."

- The Building Department has advised that the proposed development requires several variances with respect to the proposed site specific zoning district (i.e. "DE- 3" (Multiple Dwellings) District, modified. The By-law must address the modifications.

- The Roads Departments have advised that they are not opposed to the change in zoning. However, have forwarded the attached comments with respect to the detailed development plans (See APPENDIX "D").

COMMENTS:

1. The proposal does not conflicts with the intent of the Official Plan.

2. The proposal conflicts with the intent of the approved Landsdale Neighbourhood Plan in that the lands are designated "CIVIC & INSTITUTIONAL" & "COMMERCIAL & APARTMENTS". If approved a redesignation would be required to "MEDIUM DENSITY APARTMENTS".

3. The proposal has merit and can be supported for the following reasons:

   - it complies with the intent of the Official Plan;

   - it would be compatible with the existing and planned development in the surrounding area;

   - it is located in close proximity to public transit routes, community facilities and shopping facilities, etc.;

4. The Building Department has reviewed the preliminary site plan (see Appendix "B") and has advised that the application would require the following variances:

Block "1"

Uses

The applicant has proposed to convert the existing building (i.e. former Cathedral Girls' High School) into a multiple dwelling containing seventy-eight (78) dwelling units with support services (e.g. dining room, library lounge, etc.) for seniors. For purposes of By-law interpretation the proposed units are defined as "Housekeeping Dwelling Units". However, a "Multiple Dwelling", as per definition, consists of "Class A Dwelling Units" only and does not consist of "Housekeeping Dwelling Units". The difference being that a "Class A Dwelling Unit" has a separate kitchen defined by walls whereas a "Housekeeping Dwelling Unit" does not, but provides an unenclosed alcove or space for culinary purposes. Since a "Dwelling Unit", as per definition, can be either a "Class A Dwelling Unit" or "Housekeeping Dwelling Unit", provided that minimum combined floor areas for these units are met under the "Ontario Building Code", a senior citizens multiple dwelling containing a maximum of seventy-eight (78) "Housekeeping Dwelling Units" can be supported.

Furthermore, the "DE-3" District does not permit accessory uses, specifically the dining room facility and hair salon, as proposed. Since dining and hair salon services are normally incidental to retirement complexes the modification is minor in nature and can be supported.

Amenity Area

The by-law requires a minimum amenity area of 518.0 m^2 (5,575.88 S.F.) within the existing building consisting of a library, chapel, games room, bar and lounges as proposed by the applicant.

Accessory Building

Section 18.(4)(iv) of the Zoning By-law prohibits the erection of an accessory building in a side yard, whereas a gazebo is shown on the preliminary site plan. Given that the proposed gazebo is behind the main portion of the existing building and functions with the amenity space created by the demolition of part of the existing building (i.e. former gymnasium), the variance is minor in nature and can be supported.

Yards

The applicant proposes to convert the existing building, therefore the required yards for the proposed zoning district [i.e. "DE-3" (Multiple Dwellings) District] cannot be met. It is recommended that the proposed by-law reflect the existing situations with respect to yards.

Floor Area Ratio

The Seniors Multiple Dwelling will be restricted to a maximum gross floor area of 4,480.0 m^2 (48,223.89 S. F.) within the existing building, as proposed. The Building Department has advised that the "DE-3" (Multiple Dwellings) District permits a maximum gross floor area of 0.9 x lot area or 4,267.85 m^2 (45940.25 S.F.). Since the existing building is located on Block "1" and is physically separated from Block "2" by way of a public assumed alley the By-law prevents the use of the lot area of Block "2" when considering allowable gross floor area. However, the net lot area of Blocks "1" & "2" is 5,296.9 m^2, which would permit a gross floor area of 4,767.21 m^2 (51,315.50 S.F.) [0.9 x lot area of Blocks "1" & "2"], whereas 4,480.0 m^2 (48,223.89 S. F.) is proposed within the existing building. The increase in floor area ratio on Block "1" is minor in nature and can be supported.

Parking and Loading Requirements

Blocks "1" and "2"

The applicant has proposed a minimum of twenty-six (26) parking spaces for the proposed seniors multiple dwelling (retirement home), as follows:

Block "1" - a minimum of 10 parking spaces;

Block "2" - a minimum of 16 parking spaces;

whereas 78 parking spaces are required on Block "1";

It should be noted, that subsequent to the Traffic Department commenting on the zoning application the number of proposed units have been reduced from 84 to 78 (as per DA-96-08), and the Building Department has advised that the proposed units are classified as "Housekeeping Dwelling Units". Therefore, the senior citizen multiple dwelling, containing seventy-eight (78) housekeeping units, requires seventy-eight (78) parking spaces (i.e. 1 space per unit), as per the By-law.

Since the existing building is being converted to accommodate the proposal there is limited site area to provide the required parking. However, based upon the preliminary site plan (See Appendix "B") a minimum of twenty-six (26) parking spaces can be adequately provided on site (approximately 0.33 spaces per unit).

In comparison, a minimum of 24 parking spaces would be required if the proposal qualified as a "Home for Elderly Persons" (78 units x .3 spaces per unit) under the Zoning By-law. Considering the similarity in nature of the proposed use and a "Home for Elderly Persons" the requested reduction in parking can be supported on a Planning basis.

Furthermore, under By-law requirements, all required parking must be provided on site. In this case, the applicants lands (Blocks "1" & "2") are physically separated by a public assumed alley which requires a variance to the by-law to allow sixteen (16) of the proposed parking spaces to be located on Block "2" of the subject lands. The variance to allow off-site parking can be supported, since Block "2" was previously used for parking by the school.

One (1) loading space having a minimum of 3.7 m x 9.0 m x 4.3 m will be provided whereas one (1) loading space having a minimum dimension of 3.7 m x 18.0 m x 4.3 m is required. The Traffic Department has verbally advised that the reduced loading space size can be supported.

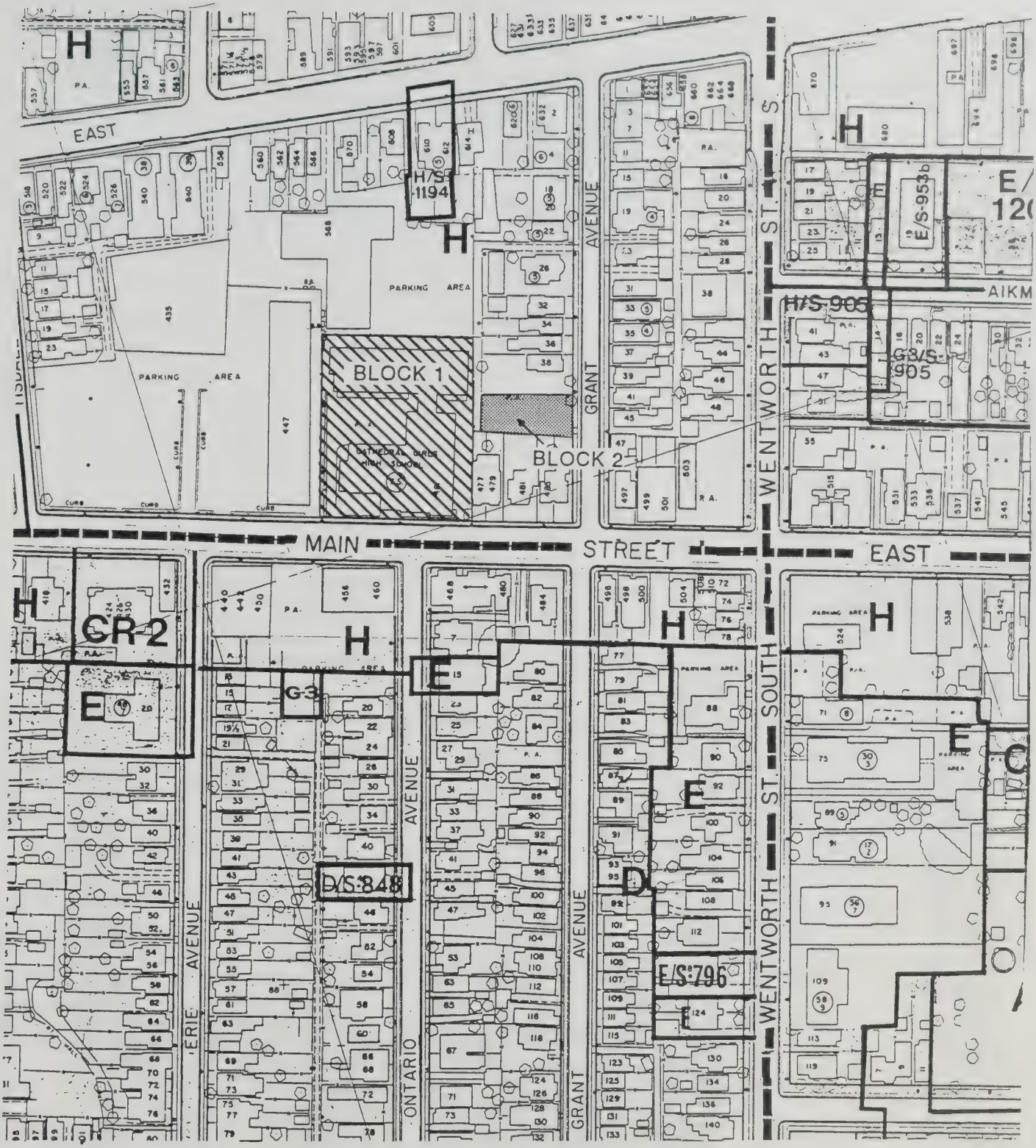
6. The "DE-3" (Multiple Dwelling) District modified is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to road widenings, access, landscaping, grading, fencing, lighting, etc. are currently been reviewed at the site plan approval stage of development under DA-96-08.

7. With respect to the Realty Tax arrears as noted by the Treasury Department, the applicant should be advised that it is City Council's policy that this matter be brought into good standing prior to registration of the Site Plan Control Agreement.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/jl
WPZAC9506



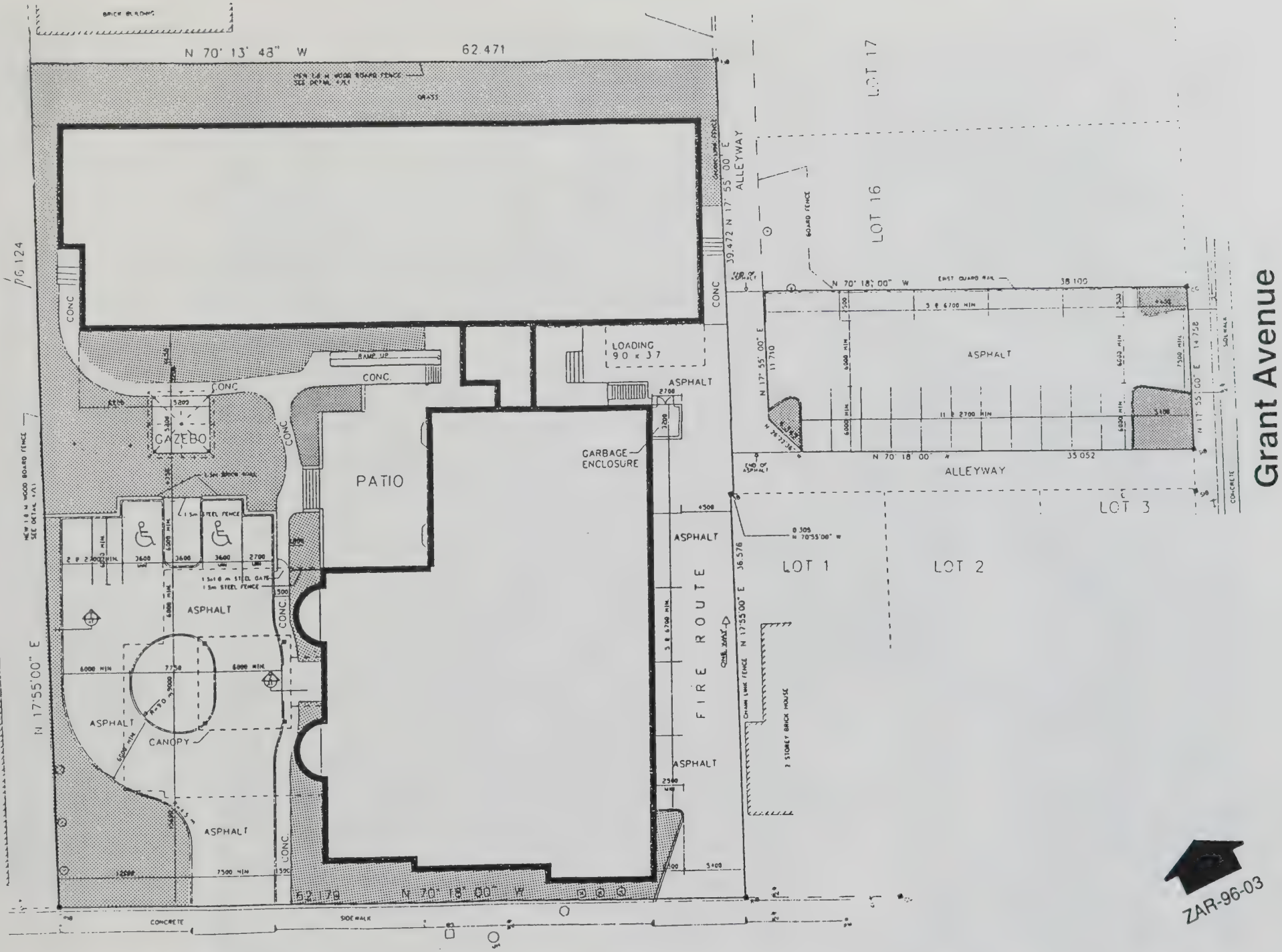
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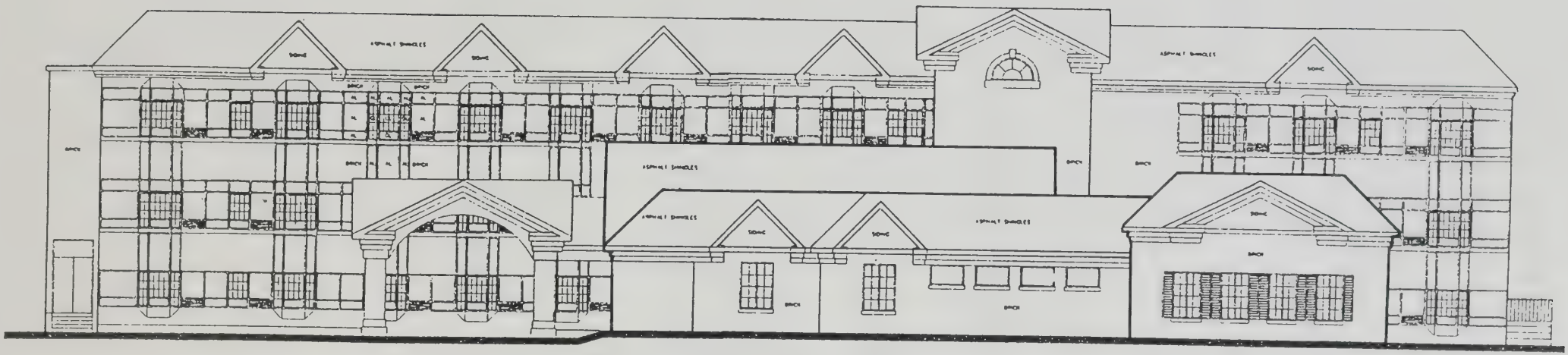
BLOCK 1 and BLOCK 2

From "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District, Modified.

ZAR-96-03

Appendix "A"


Grant Avenue
Main Street East
Preliminary Site Plan
Appendix "B"
ZAR-96-03
N 70° 13' 48" W
62.471
LOT 17
LOT 16
LOT 3
LOT 1
LOT 2
ALLEYWAY
N 17° 55' 00" E
39.472
N 70° 18' 00" W
38.100
35.052
GAZEBO
PATIO
LOADING
9.0 x 3.7
GARBAGE ENCLOSURE
RAMP UP
CONC.
ASPHALT
CANOPY
FIRE ROUTE
2 STOREY BRICK HOUSE
52.179
N 70° 18' 00" W
CONCRETE
SIDEWALK



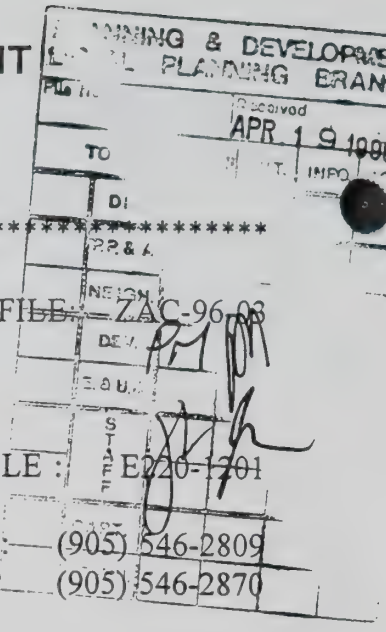
(Main Street Elevation)

South Elevation

Preliminary South Elevation Plan
Appendix "C"

REGIONAL ENVIRONMENT DEPARTMENT

MEMORANDUM



****

TO: V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

YOUR FILE: ZAC-96-08

FROM: E. P. Chajka, P. Eng.
Manager of Development
Environment Department

OUR FILE : E220-1201

PHONE: (905) 546-2809
FAX: (905) 546-2870

SUBJECT: **Amended Zoning Application 96-03 for a Change in Zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District Modified for 475 Main Street East and 46 Grant Avenue**

DATE: 1996 April 18

There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The following comments have been received from the Regional Transportation Department:

(1) The existing road allowance width of Main Street is 20.12 m and we do not anticipate any further road allowance widenings at this time. The existing road allowance width of Grant Street is 15.24 m and we do not anticipate any further road allowance widenings at this time.

(2) We understand that the plans submitted with this zoning application have been revised and that our comments on the plans will be submitted under Site Plan Control Application DA-96-08. It appears that the site plans will require further modifications and the details of the site plan application should be finalized since variances to the Zoning By-law may be required and, if appropriate, incorporated into the amending zoning by-law.

Cont'd...

APPENDIX D

Amended Zoning Application 96-03 for a Change in Zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District Modified for 475 Main Street East and 46 Grant Avenue (cont'd)

(3) We understand that the westerly access to Main Street will operate as two-way access and that the easterly access to Main Street will operate and be signed as a one way "In Only".

(4) We require 5 m by 5 m daylight triangles between the accesses and the road allowance limits and the alley and the Grant Street road allowance limits in which the maximum height of any object or mature vegetation must not exceed 0.60 m above the corresponding centreline elevation of the adjacent streets.

(5) In the absence of any details shown we advise that any works which may occur within the adjacent road allowances must conform to the respective Streets By-laws.

(6) We require a sight visibility triangle, as shown on the attached plan, to ensure that motorists entering Main Street from the west access have sufficient visibility. In the absence of details shown, any fence should be recessed a minimum of 5 m from the existing road allowance limits.

(7) According to our records the alley adjacent to the subject lands is public unassumed. Even though a portion of the public unassumed alley has been paved, the owners must be advised that the City of Hamilton **cannot** guarantee free and clear access to the subject lands from the alley and this should be considered in the review of the site plans, maneuvering for trucks, designated exit for any vehicles entering the lands from the east access to Main Street, etc.

Eugene P. Chajka, P. Eng.
Manager of Development

DWW/HG

cc: R. Karl, City Traffic Division

2a)

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO: Tina Agnello, Secretary
Planning and Development
Committee

YOUR FILE:

FROM: J. J. Schatz
City Clerk

DATE: 1996 May 15

SUBJECT: THIRD PARTY/BILLBOARD SIGNS - REFERRAL OF CORRESPONDENCE FROM GOULD OUTDOOR ADVERTISING

Council at its meeting of 1996 May 14 referred the above-noted correspondence, attached hereto, to the Planning and Development Committee.

JJS:TA:br
Attach.

MAY 1 3 1996

GOULD

MAYOR AND MEMBERS
HAMILTON CITY COUNCIL

MAY 10, 1996

SUBJECT: THIRD PARTY SIGN BY-LAW

DEAR MEMBERS:

On May 08, 1996, Planning & Development Committee held a Public Meeting to receive a staff report on third party signs. All interested parties received the staff report two days before the meeting with the general understanding that Committee would receive the draft and forward it to the various organizations for their comments.

Two weeks earlier the Planning and Development Committee received a similar staff report dealing with mobile signs. Committee at the time referred the staff report to the various Business Associations for their comment.

As Chairman of the Legislation Committee, Sign Association of Canada, I would request that Council extend the same courtesy to our Association.

I would like to thank all members in advance for their attention to this matter.

Yours truly,

RONALD G. BARR, A.M.C.T. (A)
EXECUTIVE DIRECTOR
COMMUNITY & GOVERNMENT RELATIONS

Toronto
Hamilton
Brantford
London
A Division of
Jim Pattison
Enterprises Ltd.

Gould Outdoor Advertising
Head Office
Edison Centre,
2345 Yonge Street, 5th Floor, Toronto, Ontario M4P 2E5
Telephone (416) 480-2132 Fax (416) 480-9705

2b)

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO:	Tina Agnello, Secretary Planning and Development Committee	YOUR FILE:	
	Susan K. Reeder, Secretary Finance and Administration Committee		
FROM:	Mr. J. J. Schatz City Clerk Office of the City Clerk	OUR FILE: PHONE:	 546-2727
SUBJECT:	Referral - Fees - Downtown Redevelopment	DATE:	1996 May 16

Please be advised that Hamilton City Council, at its meeting held Tuesday, 1996 May 14th approved the following Motion:

WHEREAS the revitalization of Hamilton's Downtown Core is critical to the well being and prosperity of the entire region of Hamilton Wentworth; and,

WHEREAS "residential development" in the Downtown Core is fundamental to any improvement and revitalization of the Downtown; and,

WHEREAS, virtually every study and every opinion expressed on revitalizating the Downtown have clearly pointed to the lack of residential development in the Downtown as being at the very root of it's problems,

THEREFORE BE IT RESOLVED:

(a) That the City of Hamilton waive all residential development charges in the area bounded by Queen, Cannon, Victoria and Hunter Streets for a 3 year period.

(b) That the Region of Hamilton-Wentworth be requested to review it's development charges respecting the application of residential charges in the Downtown Core, that area outlined in section (a) with the intent of imposing no development charges in this area.

(c) That 5% land dedication, building permit fees and parking requirements for new residential developments be forwarded to the Finance and Administration Committee and the Planning and Development Committee for financial consideration of eliminating those fees as a catalyst for downtown redevelopment.

With respect to sub-section (c) above, would you please ensure that this matter is placed before your respective Committees for their consideration.

Susan K. Reader
for J.J. Schatz.
JJS/SKR

cc Mayor Robert M. Morrow
Alderman V. Agro
V. Abraham, Director of Planning
A. Ross, Treasurer
H. Milsome, Community Renewal

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1996 May 13 ZAC-95-34 Durand Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	V. J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Request for a further modification in zoning for lands located at 252, 262, and 268 James Street South.

RECOMMENDATION:

That Section 2(a) of the SIXTH Report of the Planning and Development Committee for 1996 which modified the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of By-law No. 6593, applicable to Blocks "1", "2" & "3", for property at 252, 262, and 268 James Street South, be amended by adding a new clause (k) as follows:

(k) That notwithstanding Section 11A(3)(ii)(b) of Zoning By-law No. 6593, the existing buildings shall provide and maintain side yards, as follows:

1) a 0.45 m side yard shall be provided and maintained for the north lot line of Block "2"; and,

2) no side yard shall be provided and maintained for the north lot line of Block "3";

EXPLANATORY NOTE:

Section 2(a) provided several variances associated with the proposed zoning modification (i.e. parking, loading, access, landscape strip etc.,) to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for lands located at Nos. 252, 262, and 268 James Street South, shown as Blocks "1", "2", & "3" on the attached map. However, the following variances as special requirements were inadvertently omitted:

Block "2" - a 0.45 m northerly side yard is provided whereas 4.978 m is required.

Block "3" - a 0.0 m northerly side yard is provided whereas ~~4.334~~ m is required.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

867065 Ontario Inc. (M. Presta), owner.

BACKGROUND:

- Zoning Application 95-34

  The applicant applied for a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit severance of the property into three (3) separate lots and permit additional commercial (i.e. offices, studios) and residential uses within the basement level of the existing buildings, for property located at 252, 262, and 268 James Street South, shown as Blocks "1", "2" & "3" on the attached map marked as APPENDIX "A".

  The Planning and Development Committee, and City Council at their meetings of April 3, 1996, and April 9, 1996, respectively approved Zoning Application ZAC-95-34. The approval provided for several variances associated with the modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District (i.e. parking, loading, access, landscape strips, etc.,). However, the variances associated with side yards, resulting from Land Division Application H-50-95, were inadvertently omitted.

COMMENTS:

Upon reviewing the draft by-law and the above-mentioned approval, it was noted that the following additional variances as special requirements were required:

Side Yards

Block "2" - a 0.45 m northerly side yard is provided whereas 4.978 m is required.

Block "3" - a 0.0 m northerly side yard is provided whereas 4.334 m is required.

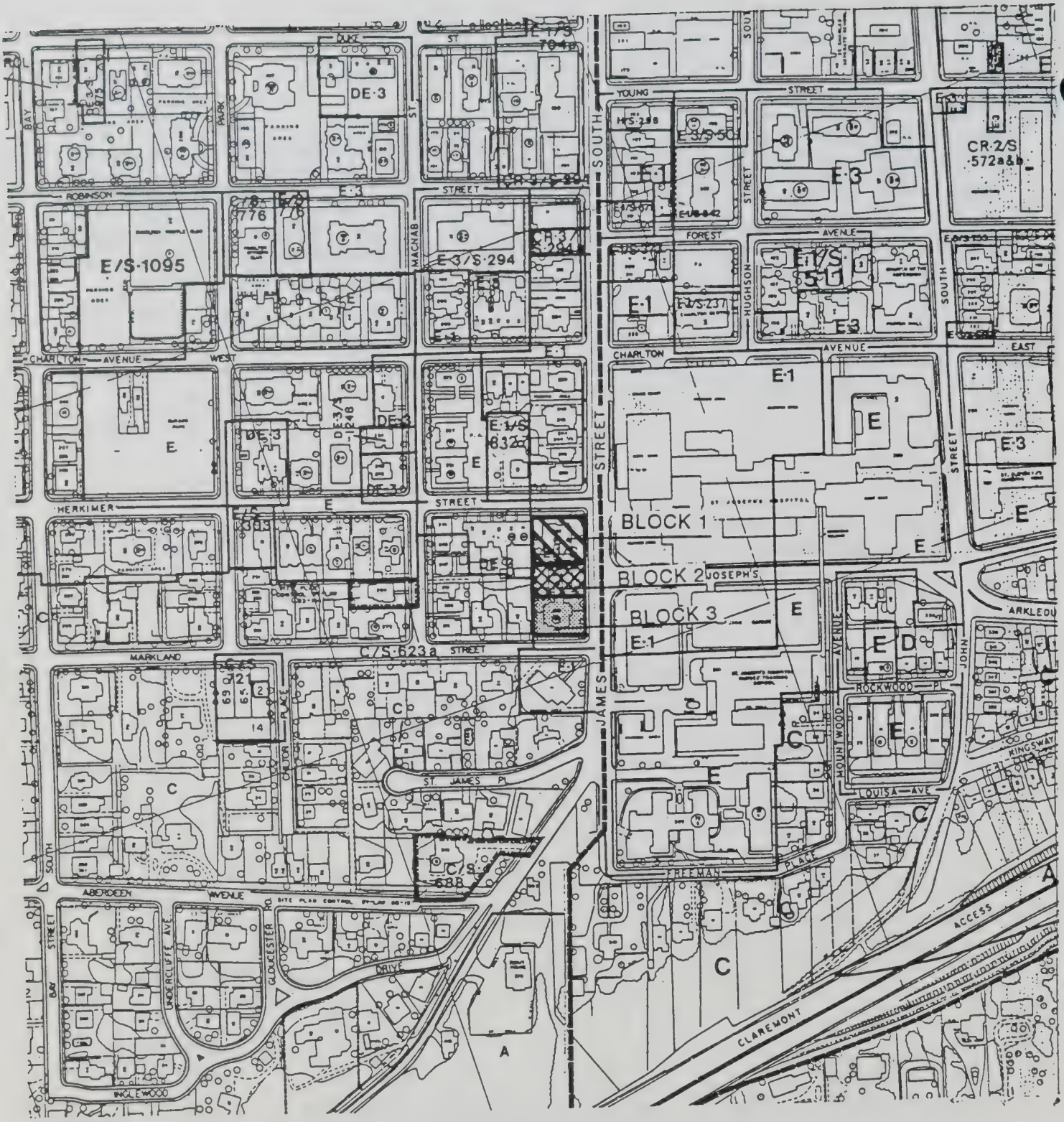
The existing buildings pre-date the established "E-1" District which requires greater side yards. Furthermore, the proposed side yards and lot lines, as per Land Division Application H-50-95, are placed to facilitate appropriate development of the lands with respect to parking and manoeuvring and ensure preservation and maintenance of existing site features such as the stone wall between 262 & 268 James Street South and the porte-cochere (i.e. carriage porch) attached to 268 James Street South. The variances are minor in nature and can be supported.

Section 34(17) of the Planning Act allows Council to make a change to a proposed by-law after holding the public meeting without further notice. In this instance, the change is a minor technicality and does not or is deemed not to alter the intent of the proposed by-law.

CONCLUSION:

It is recommended that the above-mentioned side yard variances, as shown on the attached site plan (see Appendix "B"), be included in the draft by-law.

JL/jl
WPZAC9534r



Legend

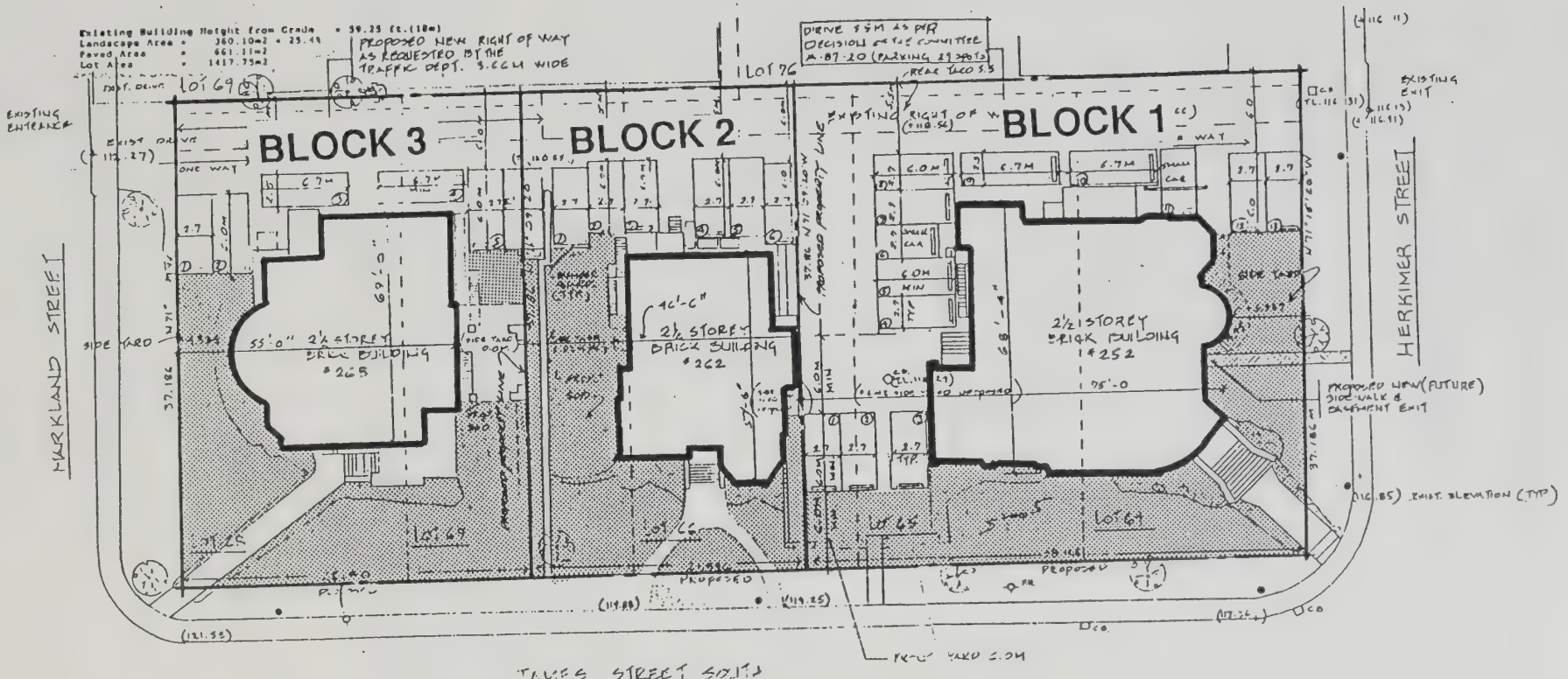
BLOCK 1 — "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District Modified.

BLOCK 2 — "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District Modified.

BLOCK 3 — "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District Modified.

ZAC-95-34

APPENDIX A



SITE PLAN

LANDSCAPE AREA

APPENDIX B

4a)

MAY 1 4 1996

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 May 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Delegation of Approval Authority to City of Hamilton Committee of Adjustment for Consent Applications - Land Severance (96.2.4.2.1.A, 96.2.4.3.3)

RECOMMENDATION:

That pursuant to Regional Council's delegation of approval authority for consent applications to the City of Hamilton, effective 1996 July 1, the City Solicitor be authorized and directed to prepare a by-law for approval by City Council, to delegate the authority to the Committee of Adjustment, effective 1996 July 1.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Administrative costs have been accommodated in the 1996 current operating budget of the Building Department and fee recovery will compensate for any additional costs.

BACKGROUND:

City Council at it's meeting of 1995 September 26 approved Section 5 of the Eighteenth Report of the Planning and Development Committee as follows:

5. (a) That City Council request Regional Council to delegate the authority for consents to the City of Hamilton.

.../2

(b) That upon delegation of authority for consent from Regional Council, City Council delegate, by by-law, the authority to the Committee of Adjustment.

(c) That the Building Department be responsible for the processing and administration of applications for consent. The Planning will be responsible for providing cartographic support services to the Building Department on a cost-for-service basis where required

(d) That the City Clerk notify the Regional Clerk and the Regional Commissioner of Planning and Development of Council's decision.

On 1996 May 7, Regional Council authorized approval authority for consent applications to be delegated to the City of Hamilton, effective 1996 July 1, in accordance with the above.

LCK/pf

cc Patrice Noé Johnson, City Solicitor, Law Department

CITY OF HAMILTON

4b

- RECOMMENDATION -

MAY 17 1996

DATE: 1996 May 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
39 NORTH OVAL - Tag Number 96201
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 39 North Oval in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map W-33)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Two Family Dwelling

BRIEF DESCRIPTION: Owner wishes to demolish the one storey brick dwelling and rebuild a two family dwelling under Bill 120. No LACAC interest. A building permit application for the above mentioned property was made by Mark Cole on 1996 April 1 under Tag No. 96202. At present, Mark Cole is not the owner of the property. However, based on the information provided on the permit application, he is the authorized agent for the owner (prospective owner).

The building permit construction plans under Tag No. 96202, have been reviewed and the proposed construction does meet the requirements of the Building Code and the requirements stipulated under Bill 120. Please be advised that Section 8(2) of the Building Code Act requires the Chief Building Official to issue a permit, if the permit application and plans meet all the requirements of the Ontario Building Code.

.../2

As you are aware, on 1996 May 14, City Council approved the recommendation of the Planning and Development Committee of 1996 May 8 to deny the issuance of the demolition permit for 39 North Oval.

However, issuance of the building permit would be in violation of Zoning By-Law 6593, Section 4(3)(a) which does not permit two principle residential buildings on one tract of land, in the "C" district. Therefore, the issuance of the building permit is pending the issuance of the demolition permit.

Also, please be advised that Section 33(b) of the Planning Act states "council shall, on application therefore, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished".

Lot size 30' x 123'.

The owner of the property as per the demolition permit is:

Margaret White Muriel/
39 North Oval
Hamilton, Ontario
L8S 3Y7

care of Ray Fazakas
942 King Street West
Hamilton, Ontario
L8P 2B4

LCK/nd

URBAN/MUNICIPAL
CA4 ONHBL A05
C51 P4
1996

5.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 May 22
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 May 8

B. SECRETARY, LACAC

a) Pigott/Sun Life Building - Heritage Permit

b) Dundurn Castle Stable Building - Heritage Permit for Renovations for Conference Centre

C. BUILDING COMMISSIONER

a) 412 Charlton Avenue West - Demolition

b) 486 Gray's Road - Demolition

c) Barton Street Festival

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A.

Wednesday, 1996 May 8
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:

Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Mayor Robert Morrow
Alderman Wm. McCulloch
Alderman M. Caplan
Alderman F. Eisenberger
Alderman G. Copps
Alderman B. Charters
Alderman H. Merling

Also Present:

Alderman M. Kiss
Paul Mallard, Planning Department
Joanne Hickey-Evans, Planning Department
Bill Janssen, Planning Department
Steve Robichaud, Planning Department
Caroline Floroff, Planning Department
Patrice Noé Johnson, City Solicitor
Peter Lampman, Building Department
Willie Wong, Building Department
Eugene Chajka, Regional Environment Department
Roland Karl, Public Works and Traffic Department
Tina Agnello, Secretary

1. **Rental Housing Protected Act CD-95-011 - 11-23 Courtland Ave. (Gilkson Neighbourhood).**

Joanne Hickey-Evans advised that three criteria were applied to this application with regard to whether or not a conversion is warranted.

With regard to the rental housing supply, the reduction of overall supply of rental housing on a city wide basis is negligible.With regard to the vacancy rates, the City of Hamilton is considered to be a healthy, competitive marketplace and as such, this should not affect the conversion. With regard to affordability, neither the monthly rentals nor the affordability for purchase of the converted units, which will be $95,000. a unit, is high, both are affordable.

Joanne Hickey-Evans advised that tenant information meetings have been held, and the owner has prepared a list of renovations which are to be conducted.

The Planning Department recommends approval of the application subject to a series of conditions which will protect the tenants.

Out of 15 notices sent, 2 replied opposed, 1 in favour and 1 undecided.

Mr. Dockery, owner of the property in question, was present.

Some residents in favour of the application were present as well.

Alderman D'Amico advised that a majority of residents are in favour of the conversion, subject to the renovations that will to take place.

As recommended by the Director of Planning and Development in a report dated 1996 April 29, the Committee recommended to Council as follows:

(a) That Application CD-95-011 under the Rental Housing Protection Act, Robert and Hyacinth Dockeray, owners, for conversion of 15 rental row house units to condominium units for the property located at 11-23 Courtland Avenue, be **APPROVED** on the following conditions:

(i) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in APPENDIX "A" attached hereto, for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in APPENDIX "A", upon the following minimum terms:

(1) the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent; and,

(2) the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval; and,

(3) that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,

(4) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

(5) that such leases shall commence no later than the date the Rental Housing Protection Act Approval Agreement with the City is registered on title; and,

(6) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants residing at the premises as of the date of Council approval of the RHPA application an Option to Purchase a Unit specified in APPENDIX "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in APPENDIX "B" annexed hereto;

(iii) (1) That the City send by registered mail, to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

(2) That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,

(3) That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.

(iv) That this RHPA approval shall cease and be at an end,

(1) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(2) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the City Solicitor, incorporating the City's conditions of approval listed herein (and in APPENDICES "A", "B" and "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

2. **Draft Plan of Subdivision "Allison Estates", and Zoning Application ZAC-96-01, by 200 Rymal Road Inc., owner for a change in zoning from "DE-3" and "C" to "R-4" at the south-west corner of Upper Wellington Street and Rymal Road East.**

Alderman Copps advised that she felt too much allowance has been made for decrease of front yard depth.

Alderman Charters was pleased with this proposal and stated that there are too many townhouses in the area and single family smaller homes should be encouraged.

Alderman Merling concurred and stated that this is a proper mix for the area and townhouses are not appropriate.

As recommended in the report from the Director of Planning and Development dated 1996 April 29, the Committee recommended to Council as follows:

A. (a) That approval be given to Subdivision Application 25T-91014(R), 200 Rymal Road Inc. (A. DiSilvestro), owner, for a revision to the draft plan of subdivision "Allison Estates", on lands located at the south-west corner of Upper Wellington Street and Rymal Road East, in the Allison Neighbourhood, as shown on the attached map marked as APPENDIX "D" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by W. Bruce Clark, O.L.S., dated January 17, 1996, showing 21 lots, Blocks "22" and "23" for 0.30m reserves, and one street identified as Court "A", as shown on the attached map marked as APPENDIX "E";

(ii) That Court "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan.

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act,

(v) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.

(vi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

(vii) That the radius transition into and out of the cul-de-sac be increased to 10m.

(viii) That the Owner provide documentation that the standard roadway cross-section, utilities and municipal sidewalks, etc., for a 20.0m road allowance, can be installed on both sides of Street "A", proposed at 18.0m width to the satisfaction of the Manager of Development, Regional Environment Department.

(ix) That the Owner establish Court "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision. All works must be completed to the satisfaction of the Manager of Development, Regional Environment Department.

(x) That the Owner convey Block "22", that being a 0.30 m wide reserve along the rear of Lots 13 to 21 inclusive, and Block "23", to the Region of Hamilton-Wentworth, by deed, at the time of registration of the Final Plan of Subdivision.

(xi) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

(xii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(xiii) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands.

(xiv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-91014(R)), 200 Rymal Road Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

B. (a) That approval be given to Zoning Application 96-01, 200 Rymal Road Inc., (A. DiSilvestro), owner, requesting a change in zoning from "DE-3" (Multiple Dwellings) District, modified and "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, for lands located at the south-west corner of Upper Wellington Street and Rymal Road East, shown as Blocks "1", "2" and "3" on the attached map marked as APPENDIX "D", on the following basis:

(i) That Blocks "1" and "2" be rezoned from "DE-3" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single Family Dwelling) District; and,

(ii) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4"" (Small Lot Single Family Dwelling) District;

(iii) That the "R-4"" (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands shown as Block "1", be modified to include the following variance as a special requirement:

(1) That notwithstanding Section 9A.(2)(b)1.(i) of Zoning By-law No. 6593, a front yard having a depth of not less than 7.0 metres shall be provided and maintained;

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1358, and that Block "1" on Zoning District Map E-9E be notated S-1358;

(v) That the Director of Planning be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council; and,

(vi) That the proposed changes and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the approved Allison Neighbourhood Plan be amended to add the public highway shown as Court "A" on the draft plan of subdivision and that the subject lands be redesignated from "Low Density Apartments" to "Single & Double" Residential upon finalization of the Zoning By-law.

3. **A general text amendment to the City of Hamilton Zoning By-law No. 6593 respecting the regulation of third party/billboard signs (CI-96-D).**

Submissions were received from the following:

(a) Ronald G. Barr, Executive Director
Community and Government Relations
Gould Outdoor Advertising
Edison Centre
2345 Yonge Street, 5th Floor
Toronto, ON M4P 6E5

(b) Blair Clarkson, Account Manager
South-West Ontario
Gallop and Gallop Advertising Incorporated
104 George Street, #201
Hamilton, ON L8P 1E2

Caroline Floroff was present and explained the recommended changes to the regulations of the billboards. She stated that the by-law will propose to permit third party billboards in the same districts in which third party signs are currently permitted except for the downtown core and the "G" district. She stated that there are provisions for minimun separation distances from the nearest billboards and from residential districts. Third party billboard signs will only be permitted as ground signs and wall signs only; not rooftop signs. The maximum sign area per base will be stated. Maximum of one billboard with 2 sign faces will be permitted per property. She concluded by stating that the Committee may want to consider monitoring the by-law for a year and direct staff to report back on the signage matters.

Alderman Copps stated that she felt that a 30 m. minimum separation for residential areas is not sufficient.

Ronald Barr, Executive Director of Community and Government Relations for Gould Outdoor Advertising was present. He reviewed a report he submitted to the Committee dated 1996 May 5. He stated that Gould Outdoor Advertising has expanded into the Hamilton area in 1995 and stimulated the economy. Gould is very active in community support. He questioned why Mediacom has become so righteous. He explained that Gould is a company which has broken away from Mediacom. This is more than a concern over signs, this is a question of competition. He requested that the matter be referred for one month so that he could confer with the Sign Association. He also suggested that illegal signs which have been put up without permits be investigated.

Percy Clark, Director of Development for Mediacom was present. He stated that it was an issue of streetscape, integrity and overall appearance, not an issue of competition. He advised that the regulations will ensure a saleable market within the City of Hamilton and suggested that monitoring over the year will be an important step. He concurred that the separation distances proposed are adequate.

Blair Clarkson of Gallop and Gallop was also present. He stated that he supports the staff recommendation.

The Mayor advised that the drive for this sign by-law came from the Committee members and complaints from people with regard to what is happening on the streets of Hamilton. The Mayor stated that he is quite impressed with the speed in which the report was drafted. He suggested that a one month deferral of the matter should be given if requested.

Alderman Eisenberger stated that the issue is not competition but the appearance of the City. He felt that the longer the matter is delayed, the more sign locations will appear, therefore, it must be dealt with immediately.

In response to a question from Alderman Eisenberger, Peter Lampman advised that the legal nonconforming uses run with the property not with the lease, therefore the property owners who have legal nonconforming signs may lease them to which ever company they chose.

With regard to the question of 20 percent of the signs being not legal, Peter Lampman advised that he is not aware of there being that amount of non legal signs.

Alderman Copps concurred with Alderman Eisenberger but suggested that there be more separation distance to residential areas.

Alderman Caplan and Alderman D'Amico concurred with Alderman Eisenberger.

One month deferral was moved by the Mayor, but there was no seconder.

Subsequent to that, the Committee approved an amendment that the separation distance to residential areas be 36 meters.

Following a discussion, the Committee recommended to Council the report of the Director of Planning and Development dated 1996 May 2, as amended, as follows:

3. (a) That approval be given to City Initiative CI-96-D, to provide for amendments to Zoning By-law No. 6593, respecting the regulation of third party/billboard signs, on the following basis:

(i) That Section 2.(2)H(vig) of Zoning By-law No. 6593 be amended by adding "/Billboard" after the words "Signs, Third Party" in the title, so it reads as follows:

"Signs, Third Party/Billboard"

(ii) That Section 13.(1)(xva) of Zoning By-law No. 6593 be deleted; and,

(iii) That Section 13A.(1)(xi) of Zoning By-law No. 6593 be deleted and replaced with the following:

(xi) A third party/billboard sign in accordance with Section 18.(15).

(iv) That Section 14.(1)(xvi) of Zoning By-law No. 6593 be deleted and replaced with the following:

(xvi) A third party/billboard sign in accordance with the requirements of Section 18.(15), roof sign, overhanging sign or other sign or notice;

(v) That Section 14A.(1)(c) of Zoning By-law No. 6593 be modified to add the words "business identification sign that is" after the word "no" in the fourth line, so that the Clause reads in part as follows:

(c) As provided in clauses vii, viii, ix, x, xi, xiv, xvi and xvii of subsection 1 of Section 14.

Provided, however, that save as hereinafter in this Section provided, no business identification sign that is a wall sign, roof sign or ground sign shall have...

(vi) That Section 15.(1)(ii) of Zoning By-law No. 6593 be modified by adding to the end "and a third party/billboard sign", so the entire clause reads as follows:

(ii) Any commercial use which is permitted in a residential district or other commercial district except a penny arcade and a third party/billboard sign";

(vii) That Section 15A.(1)(xviii)(b) of Zoning By-law No. 6593 be modified by adding to the end "but not including a third party/billboard sign", so the entire clause reads as follows:

(b) A window sign or an outdoor advertising sign or other sign of the kind known as a wall sign, not overhanging a highway, but not including a third party/billboard sign.

(viii) That Section 16.(1) of Zoning By-law No. 6593 be modified by adding a new clause (ivb) as follows:

(ivb) A third party/billboard sign in accordance with the provisions of Section 18.(15).

(ix) That Section 16A.(1)(f) of Zoning By-law No. 6593 be modified by:

(1) deleting the words "and in addition, ground signs, wall signs and roof signs, pertaining to any advertising matter whatsoever" in the third, fourth and fifth lines;

(2) deleting the words "for each of the two categories mentioned;" in the sixth line so the clause reads as follows;

(f) Ground signs, wall signs and roof signs, the advertising matter of which pertains only to the occupancy or use of the lot or building upon which they are erected provided that:

(3) adding a new clause (fa) as follows:

(fa) A third party/billboard sign in accordance with the provisions of Section 18.(15).

(x) That Section 17A.(1)(d) of Zoning By-law No. 6593 be modified by:

(1) deleting the words "and in addition to these, ground signs, wall signs and roof signs, pertaining to any advertising matter whatsoever," in the third, fourth and fifth lines;

(2) deleting the words "for each of the two categories mentioned," in the sixth line so the clause reads as follows:

(d) ground signs, wall signs and roof signs, the advertising matter of which pertains only to the occupancy or use of the lot or building upon which they are erected provided that:

(3) adding a new clause (dd) as follows:

(dd) A third party/billboard sign in accordance with the provisions of Section 18.(15).

(xi) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection as follows:

"Special Requirements for Third Party/Billboard Signs"

(15) Notwithstanding any other provisions in this By-law, the following provisions shall apply to every third party/billboard sign:

(1) Third party/billboard signs shall be ground signs or wall signs only;

(2) Third party/billboard signs shall be permitted only in: "G-1", "G-2", "H", "HH", "J", "JJ", "K", and "KK" Districts, subject to the following requirements:

(a) a maximum of one third party/billboard sign with up to two faces shall be permitted per property;

(b) third party/billboard signs shall be prohibited on the lands located within Area "A" shown on Schedule "I" of Section 18A;

(c) a minimum separation distance of 100 metres between each third party/billboard sign shall be provided and maintained;

(d) a third party/billboard sign shall be a minimum of 36 metres from a residential district;

(e) a third party/billboard sign shall have a maximum height of 7.6 metres;

(f) a third party/billboard sign shall have a maximum sign area of 25 square metres per face; and,

(g) no third party/billboard sign shall be illuminated unless the source of the light is steady and suitably shielded to contain the illumination.

(xii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(xiii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) That staff be directed to monitor the by-law to regulate billboards and report back to the Planning and Development Committee in one year.

* Mayor Morrow opposed.

4. BUILDING COMMISSIONER

(a) 39 North Oval - Demolition

A petition was submitted from area residents in opposition to the issuance of the demolition permit and submissions were received from:

(a) Mary K. Nolan, 34 North Oval, Hamilton ON L8S 3Y6

(b) Derrick Carter, 30 North Oval, Hamilton ON L8S 3Y6

(c) Gail Kinaschuk and Brian Klassen, 42 North Oval, Hamilton ON L8S 3Y6

Willie Wong advised that Mark Cole has applied for a demolition permit on behalf of the owners on April 1, 1996 to demolish a one storey building, and to build a two storey, two family building. The permit has not as yet been issued.

Subject to pending information, the staff is recommending approval.

Alderman Caplan advised, that based on the plan, the building is a three storey barracks with several bedrooms to house many students. He felt the proposal is totally inappropriate and is destroying the integrity of the neighbourhood. He requested that the "Monster Home" by-law be extended to the Westdale neighbourhoods.

Alderman Kiss concurred and stated that the neighbourhood has rallied against this. This proposed structure is not compatible with the neighbourhood buildings. The developer has a reputation for building monster homes and has done so in the Ainslie neighbourhood. She stated that if this goes through, it will destroy the single family character of the neighbourhood. She stated that literally over night several hundred signatures were produced against the issuance of a demolition permit.

Mayor Morrow concurred with Alderman Caplan and Alderman Kiss and is adamantly opposed the issuance of a demolition permit. He stated that he would stand in the way of this type of development. The University and the residents of the area also support the City with regard to not allowing these types of buildings to be erected in this neighbourhood. He suggested that Mr. Cole develop those types of residences in the downtown areas, where there is property and zoning which would invite student housing.

In response to a question from Alderman Charters, Peter Lampman advised that the plans are not acceptable at this point. Alderman Charters replied that in order to ensure that the Committee has ample opportunity to review the plans he requested that they come before the Committee.

Alderman Merling concurred that if new plans for a building permit are produced they should be shown to the Committee.

A suggestion was made that a report be made on the monster home by-law to be applicable for appropriate areas throughout the City.

Paul Mallard advised that the Committee must first determine which areas they would like a by-law to be applicable for, before the staff goes and prepares a report.

Alderman Eisenberger did not support extension throughout the entire City without first reviewing a report.

Alderman Drury felt the concern was not over the size of the building but that it was filled with students. He suggested that student housing be placed in the downtown areas or other appropriate areas.

Following discussion, the Committee allowed members of the public to speak.

Mary Nolan of 34 North Oval stated that the buildings are unsightly and there is too much volume of people. She was disappointed that the applicant or agent was not present.

In response to a comment from Ms. Nolan, the Mayor stated that the Committee of Adjustment has a different process than demolition permit procedure and as such there is no public meeting.

Derrick Carter of 30 North Oval was present. He stated that he is a local realtor. He gave an example of people whose homes have been devalued due to the monster homes appearing on Ward Street. He was upset that people who have worked hard all their lives for their homes will be affected by a drop in value in their homes.

Gail Kinaschuck of 42 North Oval stated that if an application comes before the Committee, she would like more than 24 hours notice.

Joy James, who sits on the University Board, stated that there is a pilot project in effect in the summer months, to review property of absentee landowners and to have them kept in orderly fashion. The opposition is not to students and not to parking, but, they do not want what has happened in the Ainslie neighbourhood to happen in Westdale. If necessary, the community will get a petition with over 2,000 names, if that is what is required.

Following discussion, it was resolved thatthe Building Commissioner be directed not to issue a demolition permit for 39 North Oval

The Committee also resolved as follows:

a) That Planning staff be directed to prepare a report and schedule a public meeting regarding Monster Homes in the Westdale Neighbourhoods; and,

b) That staff be directed to investigate the appropriateness of extending the Monster Homes by-law to other neighbourhoods in the City eg. Mohawk College Neighbourhoods.

(b) Lister Building - Property Standards

The Committee was in receipt of a report from the Building Commissioner dated 1996 May 3.

Scott Snider, representative from Turkstra, Mazza Solicitors was present. He agreed with the staff report but stated that they did not want to be responsible for making improvements on the interior of the building.

Peter Lampman advised that normally the policy is not to enforce improvements on the inside of the building where it is vacant and boarded up.

In response to a question from Alderman Caplan, Mr. Snider stated that they will maintain the terra cotta facade and the exterior.

Following discussion, the Committee resolved to recommend to Council as follows:

> That the Building Department continue with the current policy of Council to enforce property standards only by complaint on the property at 28-44 James Street North/5-21 King William Street known as the Lister Building.

5. DIRECTOR OF PLANNING AND DEVELOPMENT

Front Yard Parking

The Committee was in receipt of a report dated 1996 May 7.

Alderman Drury was concerned since he knows of people who want frontyard parking but cannot afford to go to Committee of Adjustment to get a variance even though it would be very minor.

Alderman Copps stated that she wishes to maintain the original integrity of the 50% requirement of landscaping.

Alderman Eisenberger stated that people have the opportunity to go to the Committee of Adjustment and ask for further variance.

Alderman Caplan concurred and he felt that the situation should be left as it is presently.

Following a brief discussion, the Committee resolved to receive the report of the Director of Planning and Development.

6. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 April 17

The minutes of the meeting held 1996 April 17 were adopted as circulated.

THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS AS FOLLOWS:

B. BUILDING COMMISSIONER

(a) Barton Street Revitalization - dated 1996 April 25

(i) That the budget as outlined in APPENDIX "F" be approved for the purchase of decorative Christmas Wreaths for the Barton Street Improvement Area; and,

(ii) That the City Treasurer be authorized and directed to forward $8,469.06 to the Barton Street B.I.A..

(b) 33 Clifford St - Demolition - dated 1996 April 29

The Committee resolved to table this matter.

Prior to voting on the matter a discussion ensued.

The Committee requested that they review the plans submitted for the building permit when they are received.

Alderman Kiss advised that land division was recently applied for by the same people and was denied.

(c) 697 Upper James St - Demolition - dated 1996 April 29

That the Building Commissioner be authorized to issue a demolition permit for 697 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(d) 1275 Upper James St - Demolition - dated 1996 April 29

That the Building Commissioner be authorized to issue a demolition permit for 1275 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(e) 917 West 5th St - Demolition - dated 1996 April 29

That the Building Commissioner be authorized to issue a demolition permit for 917 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

C. COMMISSIONER, REGIONAL ENVIRONMENT DEPARTMENT

Kemp Estates, Kentley Lane, Cash in lieu of 5% Parkland Dedication - dated 1996 April 22

Prior to voting on the motion, Alderman Copps requested that staff include in their report, the existing and proposed parks which are located in the area.

That the City of Hamilton accept the sum of $15,700 as a cash payment in lieu of the 5% land dedication in connection with Kemp Estates located in the Redhill Neighbourhood south of Congress Crescent and west of Mount Albion Road, and the sum of $65,000 as the cash in lieu of the 5% land dedication in connection with Kentley Lane, Hamilton, located in the Kentley Neighbourhood, being the cash payment required under Section 51 of the Planning Act.

D. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Demolition of Twin Gazebos at Dundurn Castle - Heritage Permit Application - dated 1996 April 22

That a Heritage Permit be approved for the demolition of the twin gazebos (c. 1965) on the north lawn of Dundurn Castle.

E. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner: New Hamilton Courthouse - 10 John Street South, dated 1996 April 15

(b) Secretary, LACAC: Minutes of 1996 March 11, dated 1996 April 16

(c) Clerk, Town of Dundas: Delegation of Approval Authority - Consent Applications, dated 1996 April 17

7. **OTHER BUSINESS**

None.

8. **ADJOURNMENT**

There being no further business, the Committee meeting adjourned.

Taken as read and approved.

Alderman Don Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary
/br

Appendix "A" referred to in Section 1. of the Planning and Development Committee Minutes of 1996 May 8.

APPENDIX "A"

List of Units by Address and the Applicable Rent

Unit #1	11 Courtland Avenue Unit 11A Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #2	11 Courtland Avenue Unit 11B Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #3	11 Courtland Avenue Unit 11C Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #4	11 Courtland Avenue Unit 11D Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #5	11 Courtland Avenue Unit 11E Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #6	11 Courtland Avenue Unit 11F Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #7	11 Courtland Avenue Unit 11G Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #8	11 Courtland Avenue Unit 11H Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #9	11 Courtland Avenue Unit 11I Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #10	11 Courtland Avenue Unit 11J Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #11	15 Courtland Avenue Unit 15 Hamilton, Ontario L9C 6M4 Monthly Rent: $667.60
Unit #12	17 Courtland Avenue Unit 17 Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #13	19 Courtland Avenue Unit 19 Hamilton, Ontario L9C 6M4 Monthly Rent: $667.60
Unit #14	21 Courtland Avenue Unit 21 Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28
Unit #15	23 Courtland Avenue Unit 23 Hamilton, Ontario L9C 6M4 Monthly Rent: $680.28

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

Appendix "B" referred to in Section 1. of the Planning and Development Committee Minutes of 1996 May 8.

APPENDIX "B"

The Agreement of Purchase and Sale shall provide,

(a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

i) $4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

Appendix "C" referred to in
Section 1. of the the Planning and
Development Committee Minutes
of 1996 May 8.

APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

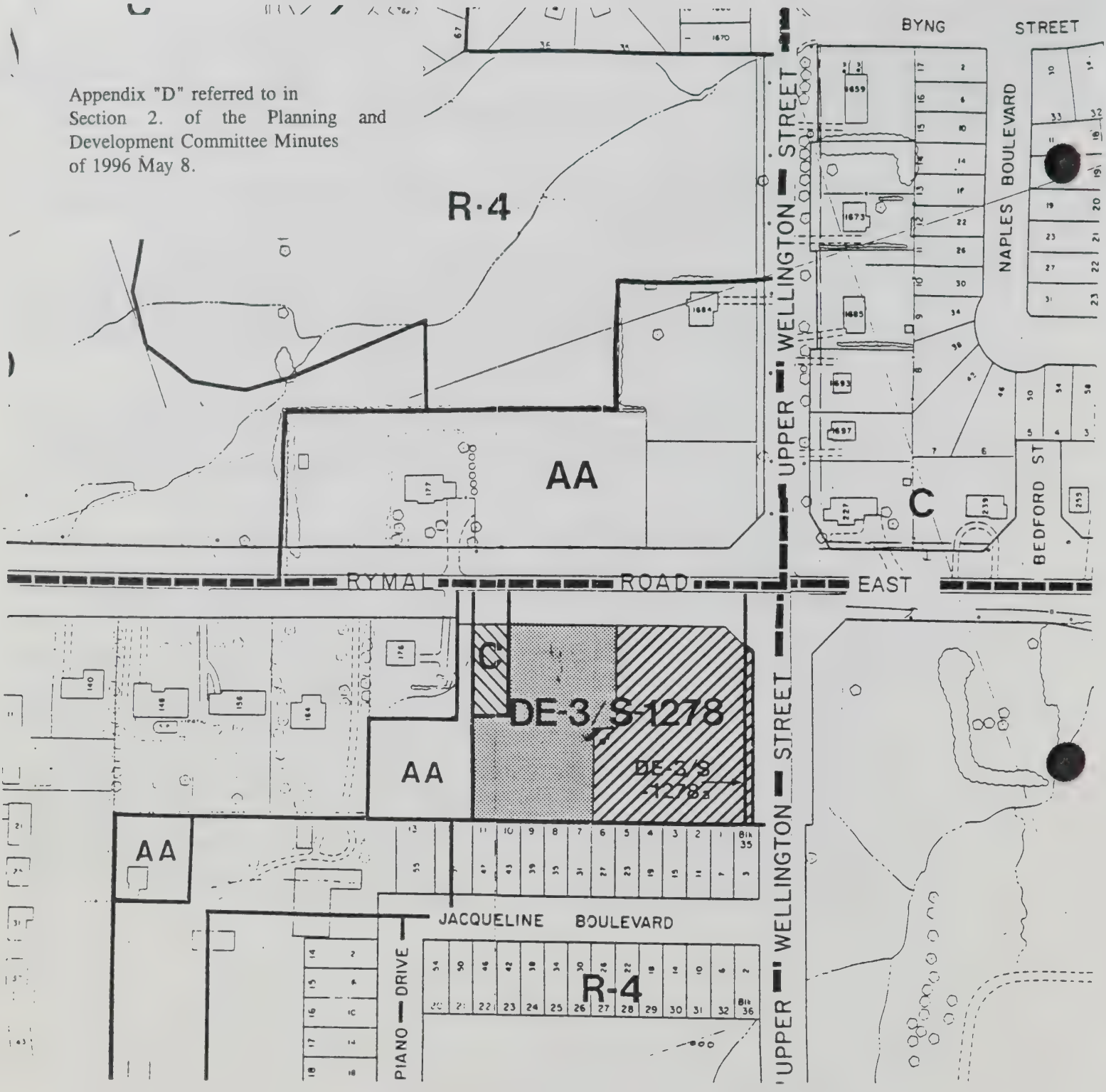
(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

(d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

Appendix "D" referred to in Section 2. of the Planning and Development Committee Minutes of 1996 May 8.



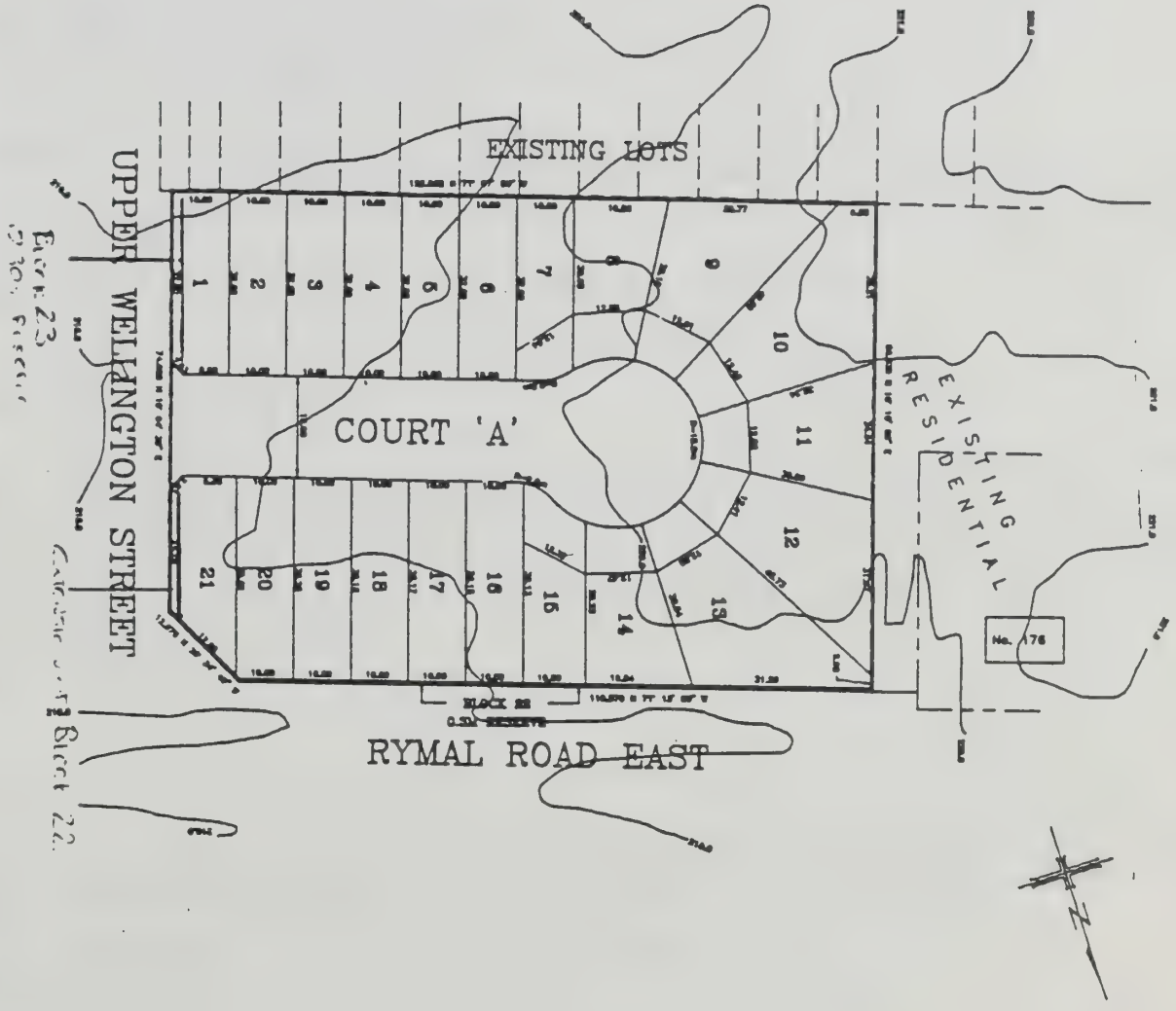
Legend

Proposed change in zoning from:

ZAC-96-01

BLOCK 1		"DE-3" (Multiple Dwellings) District,Modified, to "R-4" (Small Lot Single - Family Dwellings) District, Modified.
BLOCK 2		"DE-3" (Multiple Dwellings) District,Modified, to "R-4" (Small Lot Single - Family Dwellings) District.
BLOCK 3		"C" (Urban Protected Residential, etc.) District, to "R-4" (Small Lot Single - Family Dwellings) District.

Appendix "E" referred to in
Section 2. of the Planning and
Development Committee Minutes
of 1996 May 8.



Appendix "F" referred to in Section 6B.(a) of the Planning and Development Committee Minutes of 1996 May 8.

XMAS DECORATION QUOTATIONS

ENLIGHTING DESIGN & DISPLAY

SINGLE RING POLE MOUNT WREATH	30 UNITS @ $250 EA	$7,500.00	
DOUBLE RING POLE MOUNT WREATH	30 UNITS @ $350 EA		$10,500
TAXES:	PST	$600.00	$ 84L
	GST	$525.00	# 735
	TOTAL	$8,625.00	#12,075

CROZIER AGENCIES

54" WREATH (P331)	30 UNITS @ $340 EA	$10,200.00	
	EARLY BUY DISCOUNT 20%	$2,040.00	
	VOLUME DISCOUNT 5%	$408.00	
	SUBTOTAL	$7,752.00	
	TAXES: PST	$620.16	
	GST	$542.64	
	TOTAL	$8,914.80	
	FULL PAYMENT DISCOUNT 5%	$445.74	
		$8,469.06	⇐ Acceptable

CLASSIC DISPLAYS

4' DELUXE SIDE MOUNT WREATH	30 UNITS @ $330 EA.	$9,900.00	
	10% DISCOUNT BEFORE MAY 31	$8,910.00	$10,246.50 W/TAXES
	7% DSCOUNT BEFORE JUNE 30	$9,207.00	$10,588.05 W/TAXES
	5% DISCOUNT BEFORE JULY 31	$9,405.00	$10,815.75 W/TAXES

Ba)

CITY OF HAMILTON

MAY 1 3 1996

- RECOMMENDATION -

DATE: 1996 May 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Pigott/Sun Life Buildings - Heritage Permit

RECOMMENDATION:

That a Heritage Permit be approved for the designated Pigott/Sun Life Buildings located at 36 James Street South and 42 James Street South, respectively, to mount four projecting sign banners measuring 3' wide and 12' high on the east (James Street) facade of the Pigott Building and four identical banners on the south (Main Street) facade of the adjacent Sun Life Building and to install a security camera in the top north-east corner of the entrance lobby of the Pigott Building.

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Any alterations (including the addition of signage) to the designated exterior features of the Pigott and Sun Life Buildings, as well as the lobby of the Pigott Building require Council approval through the heritage permit process.

BACKGROUND:

The banners are being put up by the new property management firm, The Canlight Group, to advertise the conversion of the former Heritage Gardens apartment complex to condominiums.

The proposed banners were reviewed by the Research Sub-Committee at its meeting held 1996 May 1 and approved the design of the banners, their location on the front of the Pigott Building and the method of mounting the horizontal poles to the stone masonry, similar to the detailing of Park Place/Right House banner supports. The Local Architectural Conservation Advisory Committee at its meeting held 1996 May 13 recommended approval of a heritage permit given the alterations to the exterior features of the designated building.

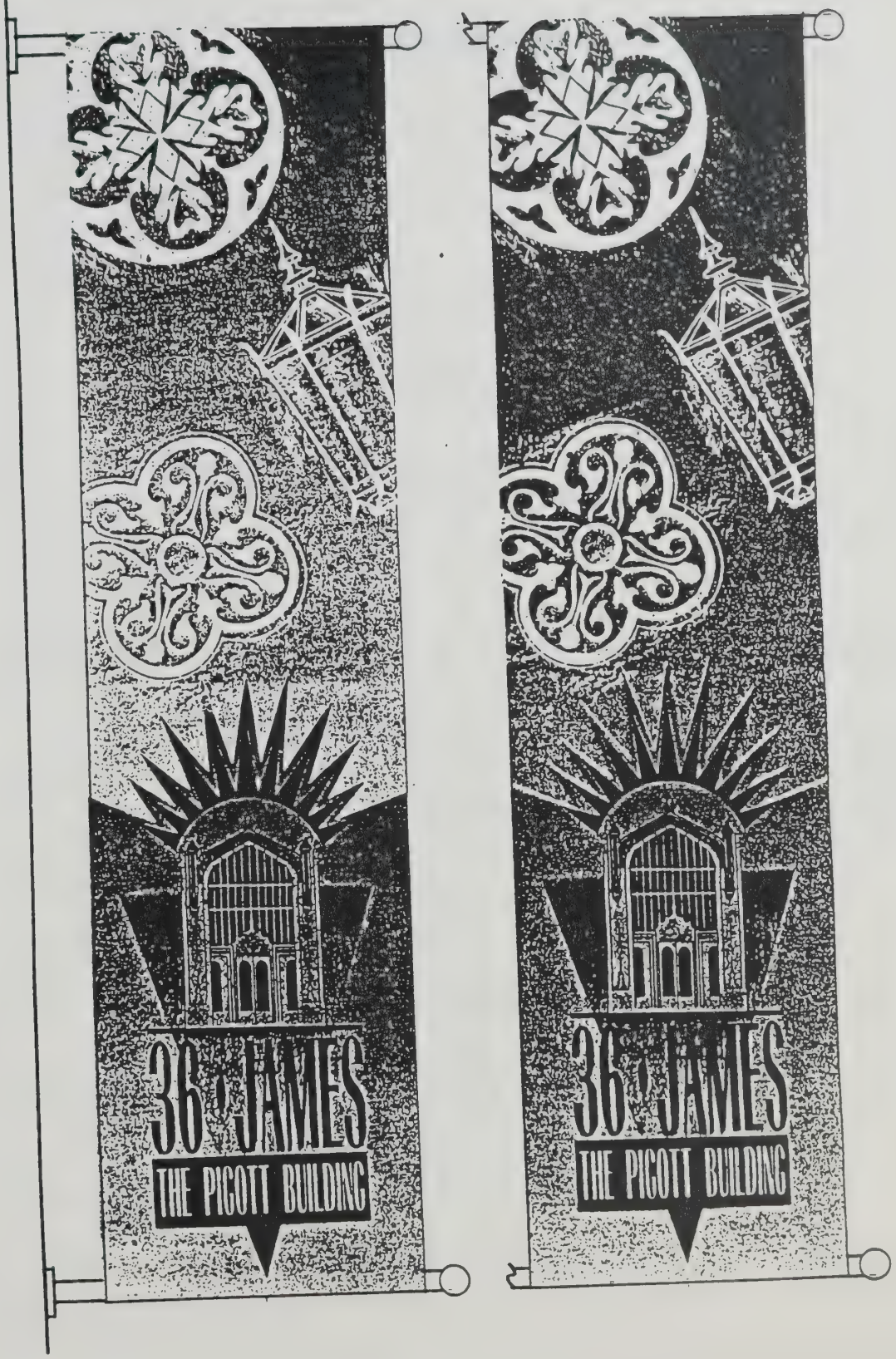
Four existing flagpoles on the Pigott Building (not original) will also be removed and anchor holes sealed to prevent any future water or ice damage.

In order to mount the security camera, small holes will be drilled into the grout between the marble panels for the anchors.

A photograph of the banners to be installed is attached for the Committee's information.

attached

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department



3'x12' FLAGS/BANNERS

Bb)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 May 16

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Dundurn Castle Stable Building - Heritage Permit for Renovations for Conference Centre

RECOMMENDATION:

That a Heritage Permit be approved for the following alterations, which will affect the exterior of the designated Dundurn Castle Stable Building:

a) installation of mechanical equipment and enclosure (approximately 15'9" x 6' x 6' high), located 4' south of the south facade (facing York Boulevard), as shown on the revised drawings attached hereto and marked as Appendix "A". The enclosure will be covered by a metal grate and camouflaged by a cedar palisade fence and plantings; and,

b) installation of 2 vents in west roof gable as shown on Appendix "B" attached hereto.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

C. Touzel

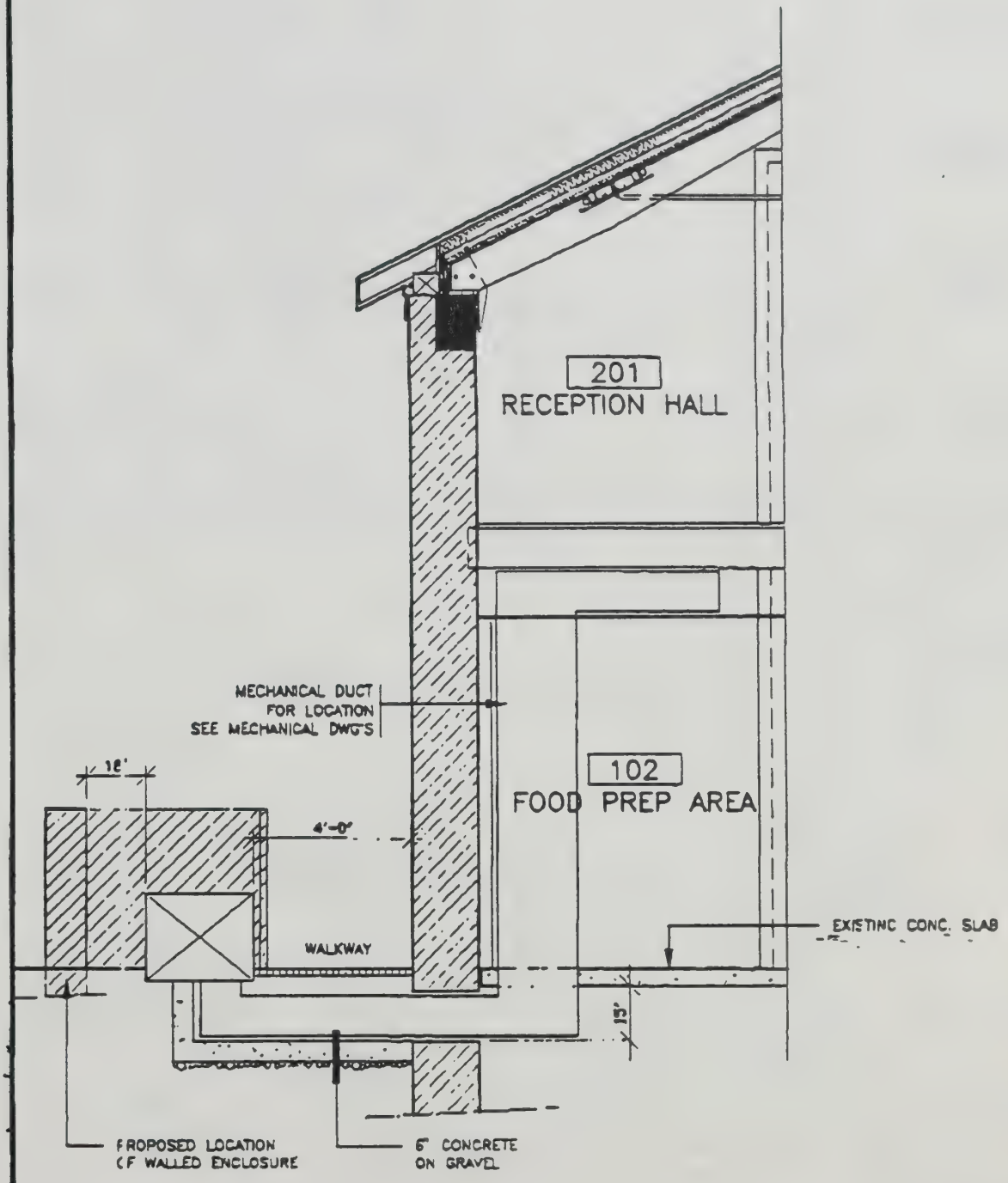
Any alterations to the designated (under Part IV of the Ontario Heritage Act) features and facades of the Stable Building require Council approval through the Heritage Permit process.

BACKGROUND:

The Stable Building is part of the Dundurn Castle complex, which is a National Historic Site, designated under the Ontario Heritage Act and protected by a Heritage Easement Agreement.

On 1996 May 13, the Local Architectural Conservation Advisory Committee delegated authority to make a recommendation on a revised proposal to the Research Sub-committee. In view of the Architect's attempt to minimize the proposal's impact on the historic building, the Research Sub-Committee determined that the revised proposal should be issued a Heritage Permit.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Marilynn Havelka, Culture and Recreation Department

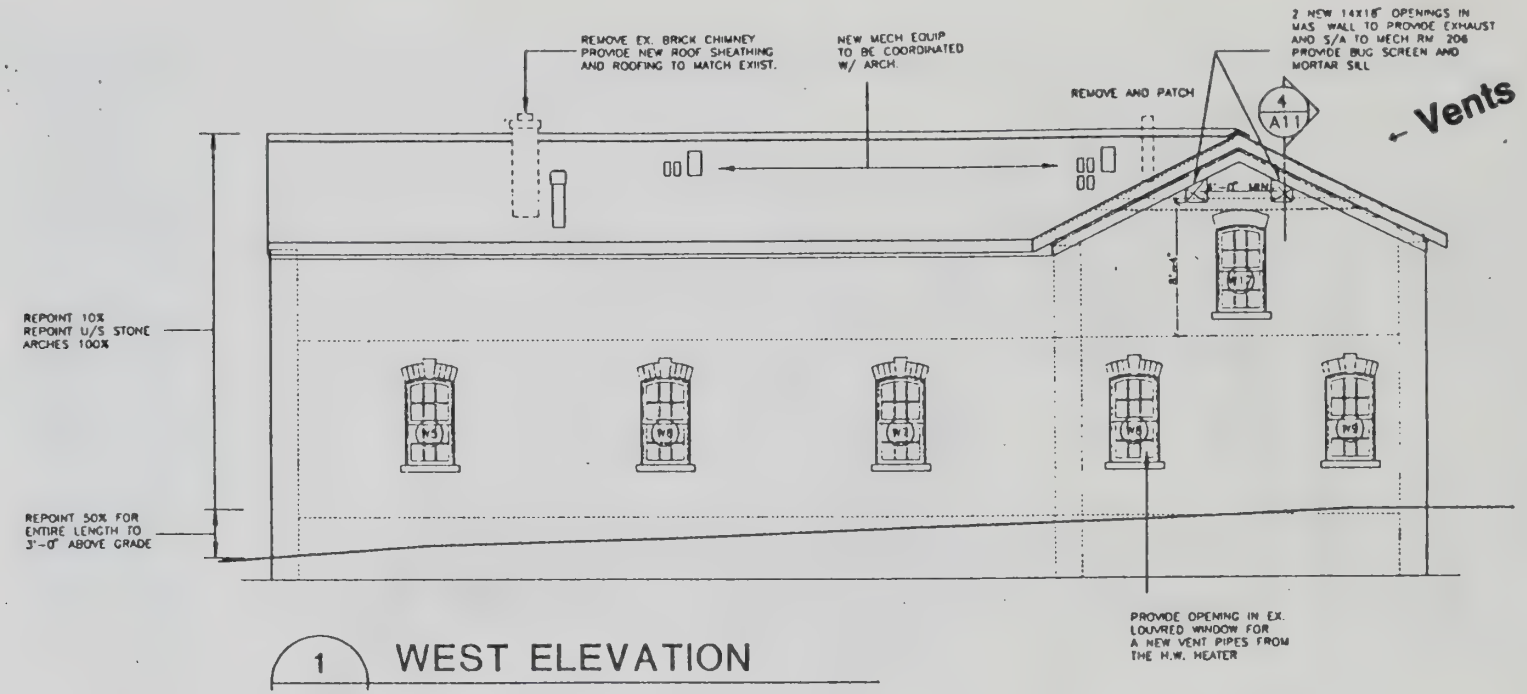


1 SECTION AT DUCT SHAFT
1/4" = 1'-0"

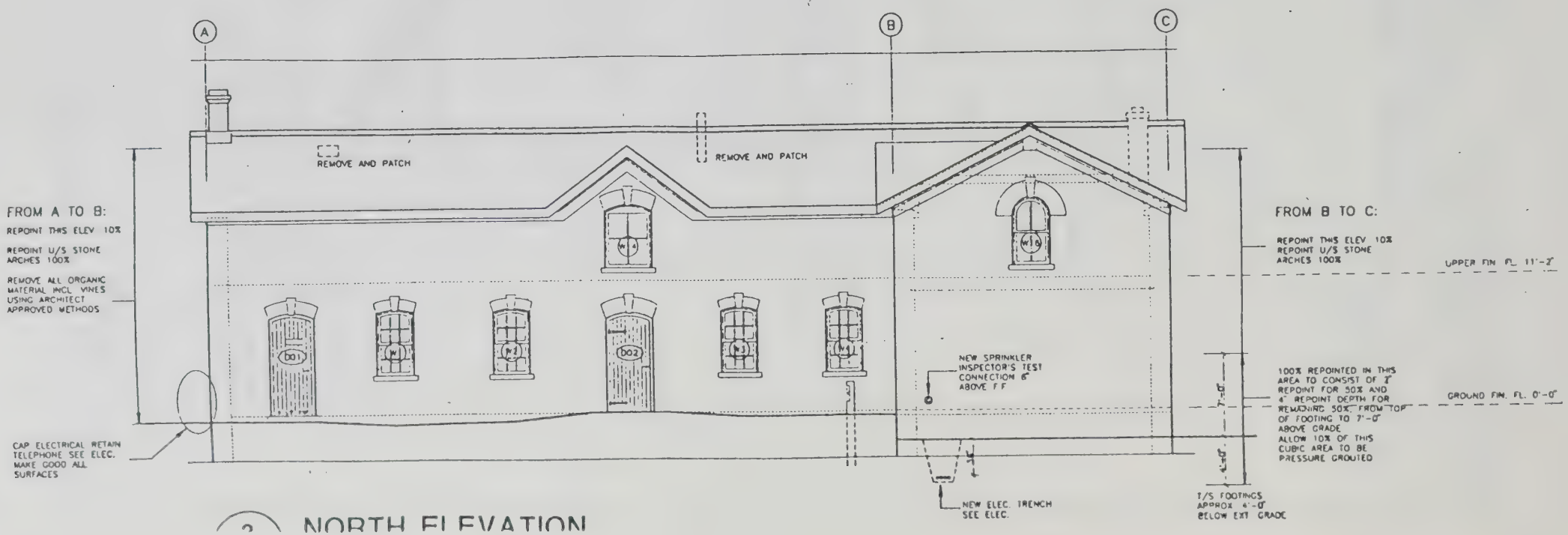
1	23/12/05	
NO.	DATE	DESCRIPTION

130 GEORGE STREET 3 RD FLOOR TORONTO, ONTARIO M5A 2N4 Telephone (416) 925-5124 Facsimile (416) 925-2401	TAYLOR | HAZELL ARCHITECTS LTD.		
	PROJECT TITLE: DUNDURN CASTLE CONFERENCE CENTRE	DRAWN: SA	DATE: 03/12/24
		CHECKED: GH	PLOTTED: 07/05/07
	DRAWING TITLE: SECTION AT DUCT SHAFT	SCALE: 1/4" = 1'-0"	FILE: C12/SKA01
		DRAWING NUMBER: SKA-	PROJECT NUMBER: 9808

APPENDIX "B"



1 WEST ELEVATION



2 NORTH ELEVATION

Ca)

CITY OF HAMILTON

MAY 1 4 1996

- RECOMMENDATION -

DATE: 1996 May 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
412 CHARLTON AVENUE WEST - Tag Number 96455
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 412 Charlton Avenue West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Map W-13)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot for Existing Commercial Liquor Store

BRIEF DESCRIPTION: The property at 412 Charlton Avenue West is in Ward 1 and is in the Kirkendall North neighbourhood (please see attached neighbourhood map). The owner wishes to demolish the existing single family dwelling and use the property for a public parking lot expansion to the neighbouring permitted commercial (liquor) store. An application has been received by the Planning Department to change the existing residential zone "D" to a commercial zone "G-3" to permit the use of a public parking lot. As of May 10, 1996, ZA-92-19 has not been finalized (change of zone) and there have been no applications made for a building permit. As well, there have been no applications made to the Land Division Committee or the Committee of Adjustment. No LACAC interest. Lot size 43' x 129'.

....2/

The owner of the property as per the demolition permit is:

L.C.B.O.
3410 South Service Road
Burlington, Ontario
L7N 3T2

The applicant, as per the demolition permit, is:

Fred Clarke
3140 South Service Road
Burlington, Ontario
L7N 3T2

ND/zr

(b)

CITY OF HAMILTON

MAY 1 4 1996

- RECOMMENDATION -

DATE: 1996 May 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
486 GRAYS ROAD - Tag Number 96451
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 486 Grays Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: KK (Map E-122)

PRESENT USE: Single Family Dwelling (Vacant)

PROPOSED USE: Industrial

BRIEF DESCRIPTION: The property at 486 Grays Road is in Ward 5 and is located in the Grayside neighbourhood (please see attached neighbourhood map). The owner wishes to demolish the existing vacant, one storey single family dwelling and build an addition to the existing industrial building at 526 Grays Road. As of 1996 May 13, no permit has been applied for to replace the existing building, nor have there been any applications made to the Land Division Committee, Committee of Adjustment or proposed zoning changes. No LACAC interest. Lot size 63' x 130'.

The owner of the property as per the demolition permit is:
Garrtech Properties, 526 Grays Road, Hamilton, Ontario L8E 2Z4

The applicant as per the demolition permit is:
Peter Smith, c/o KNY Architects, 4210 South Service Road, Burlington, Ontario L7L 4X5

LCND/zr

CC)

MAY 1 4 1996

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 May 10

REPORT TO: Tina Angello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng
Building Commissioner

SUBJECT: Barton Street Revitalization (96.2.14, 96.2.4.2.1.A)

RECOMMENDATION:

a) That the budget, as outlined in Schedule A, be approved for a Festival in the Park to be held in Woodland Park on 1996 June 15 in conjunction with the Barton Street Redevelopment Program; and,

b) That the City Treasurer be authorized and directed to forward $6,441 ($8,051 - 20% holdback) for the Festival in the Park to the Barton Street B.I.A.. The outstanding balance of $1,610 to be forwarded upon submission of a statement of account.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding of $300,000 in 1995 and $300,000 in 1996 has been provided by the Province for the revitalization program. The Province of Ontario will provide a total of $1,000,000 directly to the City of Hamilton over the next three years. Full funding for the street festival has been budgeted and provided from provincial funding.

BACKGROUND:

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals, and street enhancement.

.../2

As part of the revitalization program, the B.I.A. proposed that street festivals would be held on Barton Street. This proposal was approved by Council and a yearly budget of $40,000 was provided for street festivals.

The resolution approved by Council states as follows:

> The City will provide up to $40,000 yearly from available provincial funds to the Barton Street B.I.A. if it should decide to hold a street festival.
>
> Co-ordination of the festival will be solely the responsibility of the B.I.A. An appropriate portion of the funds will be made available in advance, final reimbursement of the B.I.A. will be made once a statement of account for the festival is presented.

The B.I.A. has submitted a budget of $8,051 (see attached Schedule A) for the Festival in the Park to be held 1996 June 15. A holdback of $1,610 (20%) will be made until a statement of account is submitted to the City Treasurer.

DC/dc
encl.

SCHEDULE A

JUNE 1996 FESTIVAL BUDGET

ENTERTAINMENT: (INC. CLOWNS & BOUNCING CASTLE)	$4,100.00
FOOD: HOT DOGS, SAUSAGES, PIZZA, BUNS CONDIMENTS, POP	$300.00
PLATES, NAPKINS, GARBAGE BAGS TABLE CLOTHS	$75.00
SOUND:	$1,250.00
ADVERTSING (INC. FLYER DISTRIBUTION)	$200.00
PROPANE, BBQ TANKS	$20.00
PRINTING	$200.00
PENNANTS/BALLOONS:	
MISCELLANEOUS:	$500.00
RECONCILIATION (1995)	$356.31
ADMINISTRATION	$1,050.20
TOTAL	$8,051.51

D

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 May 15

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner - Loan Cancellation, Commercial Property I mprovement Loan Program 359 Barton Street East, dated 1996 May 3

(b) Building Commissioner - Loan Cancellation, Commercial Property I mprovement Loan Program 399 Barton Street East, dated 1996 May 3

(c) Secretary, LACAC - Minutes of the Meeting held 1996 April 15, dated 1996 May 13

(d) Director, Planning and Development & CAO - Approved Site Plan Control Application, dated 1996 May 15

(e) Ministry of Municipal Affairs and Housing - Bill 20 Information Sessions, distributed 1996 May 3

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1996

URBAN MUNICIPAL
JUN 25 1996
GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 June 19
9:30 o'clock a.m.
Room 233, City Hall

Urban Municipal Collection
2nd Floor
Hamilton Public Library

Charlene Touzel, Acting Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 95-13 and Proposed Draft Plan of Subdivision 95-03 "Eagleview Estates" (Regional File 25T-95014(R)), by Harp Homes Inc. and L. Vasilak, owners, for lands located east of Upper Sherman Avenue, west of Eleanor Avenue and abutting Dulgaren Street, known as 1471 Upper Sherman Avenue and 90 Eleanor Avenue.

2. Zoning Application 96-04, by George Lima, owner, for a modification to the established "D" District for property located at 18 Homewood.

3. Proposed amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593, for lands of Chedoke Health Corporation, Mountview Neighbourhood and Westcliffe West Neighbourhood.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. City Initiative 96-F, Residential Density in the "I" (Central Business) District.

5. Overbuilding Study (Monster Homes)

   Submissions:

   (a) Lillian Ross, M.P.P. Hamilton West
   (b) Joy James - Presentation of Petition from Westdale neighbourhood Residents

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 June 19

6. DELEGATION - Roof Leaders

(a) Hamilton Halton Home Builders Association, and

(b) Hamilton Region Conservation Authority

(c) Report - Regional Environment Commissioner/Building Commissioner - Roof Leaders - Land Drainage By-law No. 80-245

7. MAYOR ROBERT M. MORROW

571 Kenilworth Avenue North (no copy)

8. BUILDING COMMISSIONER

a) Amendment to By-law 92-093 respecting fees to the Committee of Adjustment

b) Review of Rehabilitation Loan Programs

9. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Bill 20 - Land Use Planning and Protection Act.

b) Mobile Signs - Information

10. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

a) Expansion of the Main West Esplanade B.I.A. boundaries

b) Crown Point East/McAnulty Neighbourhood Revitalization - Construction Approval for St. Christopher's Park

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 June 19

11. CORRESPONDENCE

Gould Outdoor Advertising re Billboard Regulations - Referred to Staff

12. CONSENT AGENDA

13. OTHER BUSINESS

14. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff to meet with Applicant to determine acceptable option	Tabled
3.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue
4.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
5.	Rainwater Leader Bylaw	1995 July 5	Roads and Building Departments	Report Forthcoming
6.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
7.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave (Starward Homes)	1995 August 23		Tabled at the request of the applicant
8.	Monster Homes a)Public Meeting for Westdale Neighbourhoods b)Study Applicability to other Neighbourhoods in the City and potential policy changes throughout the City	1996 May 8	Staff to schedule public meeting and conduct study for other neighbourhoods	Pending
9.	Demolition - 33 Clifford Street	1996 May 8	Tabled	Pending submission of building plans
10.	Downtown Redevelopment	1996 May 22	Referred to staff for report	Planning and Development and Building Department staff to prepare report
11.	Zoning Requirements for Gambling Locations	1996 May 22	Referred to staff for report	Planning and Development staff to prepare report

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 5
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: (1) Proposed Draft Plan of Subdivision 95-03, "Eagleview Estates" (Regional File 25T-95014(R)), and;

(2) Re-zoning Application 95-13.

RECOMMENDATION:

Subdivision Application

(a) That Subdivision Application SAC-95-03, "Eagleview Estates", Harp Homes Inc. and L. Vasilak, owners, as revised in red, requesting approval of a draft plan of subdivision, comprising of 9 lots for street townhouses, 18 lots for single detached dwellings, 2 blocks for road widenings, and 11 blocks for future development with adjacent lands as single detached dwellings, under Regional File 25T-95014(R), as shown on the attached map marked as APPENDIX "B", be approved on the following basis:

(i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke, O.L.S., dated May 10, 1995, showing 9 lots for street townhouses (Lots 1-9 inclusive), 18 lots for single detached dwellings (Lots 10-27 inclusive), 2 blocks for road widenings (Blocks 39 and 40), 3 blocks for 0.30m reserves (Blocks 41, 42 and 43) and 11 blocks for future development with adjacent lands as single detached dwellings (Blocks 28-38 inclusive) ;

(ii) That the Owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan;

(iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act;

(v) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(vi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;

(viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(ix) That Blocks 28 - 38 inclusive, on the red-line revised plan, must be developed in conjunction with adjacent lands;

(x) That the Owner provide a functional servicing report for this development in order to accommodate the external drainage areas to the satisfaction of Manager of Development, Regional Environment Department;

(xi) That a 5 x 5 metre landscaping daylight triangle at the north corner of Dulgaren Street and Upper Sherman Avenue be established if access is permitted for Lot 1 onto Dulgaren Street, and that, if access for Lot 1 is permitted onto Dulgaren, access be restricted to the east limit of Lot 1;

(xii) That in order to ensure adequate access is provided to the subject lands, all required roadway connections within the Plan of Subdivision to Upper Sherman Avenue and Eleanor Avenue be established and constructed to the full width, prior to development of the subject lands to the satisfaction of the Manager of Traffic Planning, Traffic Division, Department of Public Works and Traffic;

(xiii) That the Final Plan of Subdivision be revised to provide a 2 x 2 metre daylight triangle for road widening purposes at the north-west corner of Lot 23;

(xiv) That the Owner dedicate Blocks 39 and 40 for road widening purposes to the Regional Municipality of Hamilton Wentworth and that Blocks 39 and 40 have a minimum width of 5.18m;

(xv) That prior to the creation of Blocks 30, 31, 32, 33, 34 and 35, Dulgaren Street be closed and disposed of by the City;

(xvi) That Dulgaren Street, west of Eleanor Street and east of the subject lands, must be constructed to its full width to the satisfaction of the Manager of Development, Regional Environment Department;

(xvii) That the owner provide any temporary turning circles or cul-de-sacs required at the termination of any streets to the satisfaction of the Manager of Development, Regional Environment Department. These details are dependent on the development staging of adjacent lands and will be confirmed at such time as the subdivision plan is registered and construction drawings submitted for review and approval;

(xviii) That Blocks 36 and 37 not be registered until such time as Block 37 has direct frontage along a public highway in accordance with the City of Hamilton Zoning By-law No. 6593;

(xix) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

(xx) That the owner enter into a subdivision agreement with the City of Hamilton and the Region of Hamilton-Wentworth to satisfy all financial and engineering requirements of the City and Region, prior to the development of any portion of these lands;

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95014(R)), Harp Homes Inc. and L.Vasilak, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision;

Zoning Application

(d) That amended Zoning Application ZAC-95-13, Harp Homes Inc. and L. Vasilak, owners, requesting changes in zoning from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District for Block "1", from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District for Block "2", and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District for Blocks "3" and "4", as shown on the attached map marked APPENDIX "A" be approved on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District;

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District;

(iii) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(iv) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council;

(vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(vii) That the Approved Eleanor Neighbourhood Plan be amended by redesignating Lots 1 - 9 inclusive, as shown on the draft plan of subdivision, from "Single & Double" Residential to "Attached Housing" upon finalization of the Zoning By-law.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide changes in zoning for lands located east of Upper Sherman Avenue, west of Eleanor Avenue and abutting Dulgaren Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District;

Block "2" - from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District; and,

Blocks "3" and "4" - from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the by-law is to permit the development of Blocks "1" and "2" for 9 street townhouses and Block "3" and "4" for single detached dwellings in accordance with the proposed plan of subdivision "Eagleview Estates".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Harp Homes Inc. and L. Vasilak, owners.

Surveyor:

B.J. Clark, O.L.S., A.J. Clark & Associates Limited, Hamilton.

Location:

The lands are located east of Upper Sherman Avenue, west of Eleanor Avenue and abutting Dulgaren Street (not travelled), in the Eleanor Neighbourhood (see Appendix "A").

Lot Size and Area:

The subject property is comprised of two parcels of land separated by Dulgaren Street. The lands north of Dulgaren Street have:

- a width of 192 metres along Dulgaren Street; and,
- a depth of 57 metres.

The lands south of Dulgaren Street have:

- a width of 165 metres along Dulgaren Street; and,
- a depth of 42 metres.

The subject lands have a total lot area of approximately 1.75 ha.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Single Detached Dwelling and Vacant	"AA" (Agricultural)" District and "C" (Urban Protected Residential, etc.) District
Surrounding Land Use		
to the north	Single Detached Dwellings and Vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	Single Detached Dwellings and Vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

Subdivision Proposal:

The proposed draft plan of subdivision, as red-line revised, is to subdivide the subject lands into 9 lots for street townhouses, 18 lots for single detached dwellings, 2 blocks for road widenings, and 11 blocks for future development with adjacent lands as single detached dwellings, and to construct the necessary public highways (see attached APPENDIX "B").

Rezoning Proposal:

The applicant is requesting the following changes in zoning as shown on APPENDIX "A":

Block "1" - from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street Townhouse) District;

Block "2"	-	from "AA" (Agricultural) District to "RT-30" (Street Townhouse) District; and,
Blocks "3" and "4"	-	from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The zoning application has been amended by the applicant in accordance with the red-line revisions to the proposed Draft Plan of Subdivision "Eagleview Estates".

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan. The proposal conforms with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposed draft plan of subdivision complies with the intent of the Official Plan.

Neighbourhood Plan:

The lands are designated "Single & Double Residential" in the approved Eleanor Neighbourhood Plan. Approval of the application would necessitate an amendment to the neighbourhood plan to change the designation of Lots 1-9 from "Single and Double" Residential to "Attached Housing".

Comments Received:

- The Traffic Division, Department of Public Works and Traffic advised:

  "The proposed changes to the draft plan of subdivision are satisfactory.

  In order to ensure that adequate access is provided to the subject lands, we recommend that all required roadway connections to Upper Sherman Avenue and Eleanor Avenue be established and constructed to the full width, prior to development of the subject lands."

- With respect to the proposed plan of subdivision as submitted by the applicants, the Regional Environment Department has advised:

"INFORMATION

1. Lots 1 to 8 inclusive of the proposed development can be serviced for water from the existing watermain on Dulgaren Street. Lots 9 to 12 inclusive will require extension of the watermain on Eaglewood Drive, north and south from Dulgaren Street at the developer's cost. Lots 16 to 24 will require extension of the watermain on Dulgaren Street from Eleanor Avenue at the developer's cost.

2. Lots 1 to 8 inclusive can be readily serviced by the existing sewer systems on Dulgaren Street.

   Block 41 can be readily serviced by the systems on Dulgaren Street or Upper Sherman Avenue or by the extension of Regional sewers on Eaglewood Drive.

   Lots 9 to 15 inclusive and Blocks 31 to 34 inclusive and Block 42 will require the extension of Regional sewers on Eaglewood Drive.

   Lots 16 to 24 and Block 25 to 30 all inclusive cannot be registered until sewer outlets are available at the south limit of street "A".

   Blocks 35 to 40 inclusive cannot be registered until Regional sewers are extended easterly from Eaglewood Drive (from Block 46).

   External drainage areas must be accommodated where required and be addressed in a functional servicing report at no cost to the Region.

   The approved Neighbourhood Plan for the Eleanor Neighbourhood shows a future street from Eaglewood Drive to Eleanor Avenue between number 60 and 72 Eleanor Avenue. The Planning Department for the City of Hamilton have indicated that there has been no application for an amendment to the approved Neighbourhood plan at this time.

3. The Survey section of the roads Department have stated that they have no comment with this plan.

4. The H.S.R. have commented that they have no concerns regarding this development.

5. Canada Post have advised that they require three Community Mailbox sites for this development. Community Mailbox locations are, adjacent to the flankage of Lot 8, adjacent to the flankage of Lot 19 and adjacent to the north side of Block 46, when Block 46 develops in conjunction with the lands to the north.

6. The transportation section of our department have indicated that the draft plan for this development does not conform to the approved neighbourhood plan for the Eleanor Neighbourhood. The final plan should be revised and resubmitted or the registered owner should apply to the City of Hamilton for an amendment to the approved Neighbourhood Plan for the Eleanor Neighbourhood. City staff have indicated that they would not support an amendment to the Neighbourhood Plan which would allow for the adjustment in the alignment of Eaglewood Drive approximately 9 metres west of the proposed alignment as indicated in the approved Neighbourhood Plan.

RECOMMENDATION

1. The owner must enter into a subdivision agreement with the Regional Municipality of Hamilton-Wentworth to satisfy all financial and engineering requirements of the Region, prior to the development of any portion of these lands.

2. That the final plan of subdivision be revised to conform to the approved neighbourhood plan for the Eleanor Neighbourhood.

3. That prior to draft plan approval, the draft plan be revised to conform to the approved Neighbourhood Plan for the Eleanor Neighbourhood or that the owners apply for an amendment to the Approved Neighbourhood Plan.

4. That a 5 x 5 metre landscaping daylight triangle at the north corner of Dulgaren Street and Upper Sherman Avenue be established if access is permitted for Lot 1 onto Dulgaren Street at the east limit of Lot 1.

5. That Lots 1 to 8 be developed under an application through the Planning Act as Condominium.

6. That the Owner provide a functioning servicing report for this development in order to accommodate the external drainage areas.

The submitted plan as prepared by Barry Clarke, O.L.S. and dated May 10, 1995, is unsatisfactory to the Transportation/Environmental Services Group at this time."

In order to satisfy the requirements of the Environment Department and the Planning and Development Department, the draft plan has been red-line revised to reflect the approved Eleanor Neighbourhood Plan.

In response to the proposed "red-line" revised plan, the Regional Environment Department has further advised:

"Our office has the following comments and recommendations regarding the "red line" revised draft plan of subdivision dated May 10, 1995 attached to your memo of April 11, 1996. Some of these comments and recommendations are in addition to our previous memo. Since the final plan now conforms to the approved neighbourhood plan for the road pattern, disregard recommendations 2 and 3 from our previous memo.

Information

1. Access to Lot 1 must be located at the east side of the lot. We also require a 5m by 5m daylight triangle at the corner of Dulgaren Avenue and Upper Sherman Avenue in which the maximum height of any object or mature vegetation must not exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Upper Sherman Avenue. Since these lots will be zoned for either RT-20 or RT-30, they will be dealt with at the site plan control stage.

2. We require a 2m by 2m daylight triangle for road widening purposes at the corner of Lot 23 (L-shape bend in road).

3. The road widenings on Upper Sherman Avenue, namely Blocks 38 and 39, are not dimensioned. The road widening required is 5.18m in width and the plan should be revised accordingly.

4. The lots shown on the limits of Dulgaren Street proposed to be closed should be excluded from the draft plan and be shown for information purposes only. The creation of Blocks 30, 31, 32, 33, 34 and 35 are contingent on Dulgaren Street being closed and disposed by the City.

5. Block 28 can only be developed in conjunction with lands at No. 1487 Upper Sherman Avenue or Lot 25, as shown on the draft plan.

6. Given the location of Block 29 and the existing homes, it appears this block could be vacant for many years.

7. The lot numbering should be reviewed - missing Lot 14 and there are two Lot 20's.

8. Dulgaren Street, west of Eleanor Street and on that portion outside the plan of subdivision must be constructed to its full width.

9. In the absence of any road grades or any other plans on Dulgaren Street, we cannot comment on sight lines for access to lots fronting on the street at this time.

10. The road pattern north of the subdivider's lands must conform to the approved Eleanor Neighbourhood Plan.

11. The preference of the Transit Division is still to leave Dulgaren Street open between Upper Sherman Avenue and Eleanor Avenue.

12. The Region will require a tree preservation plan to ensure that the construction of the intersection of Dulgaren Street and Upper Sherman Avenue minimizes the removal of trees within the road allowance and protects the retained trees during the construction stage.

13. The applicant/owner should be advised that the termination of the streets may require the construction of a temporary cul-de-sac. These details are dependent on the development staging of adjacent lands and will be confirmed at such time as the subdivision plan is registered and construction drawings submitted for review and approval.

14. According to our plans, there are two brick pillar encroachments into the Upper Sherman Avenue road allowance on Lot 25 and Block 28. These pillars remain at the sole risk of the applicant/owner and must be removed from the road allowance through the development of this subdivision.

15. Lots 1 to 9 and 25, 26 and 27 can be serviced at this time from the existing storm and sanitary sewers as well as watermains adjacent to these lots.

Recommendations:

1. The owner must enter into a subdivision agreement with the Regional Municipality of Hamilton-Wentworth to satisfy all financial and engineering requirements of the Region, prior to the development of any portion of these lands.

2. The owner must enter into a subdivision agreement with the City of Hamilton to satisfy all financial and engineering requirements of the City, prior to the development of any portion of these lands.

3. That a 5 x 5 metre landscaping daylight triangle at the north corner of Dulgaren Street and Upper Sherman Avenue be established if access is permitted for Lot 1 onto Dulgaren Street, and that, if access for Lot 1 is permitted onto Dulgaren, access be restricted to the east limit of Lot 1.

4. That the owner provide a functional servicing report for this development in order to accommodate the external drainage areas.

The submitted red line revised plan as prepared by Barry Clarke, O.L.S. and dated May 10, 1995, is satisfactory to the Regional Environment Department, subject to the above-noted comments and recommendations."

- In response to the "red-line" revised plan, the Building Department has advised:

"1. ZAC-95-13 did not include the rezoning of the four new lots between Block 30, Block 31, Block 32 and Block 33 from the AA zone to the C zone.

2. Cannot determine if the entire Block 29 is included in the rezoning application of ZAC-95-13 from an AA zone and C zone to the RT-30 zone.

3. Blocks 24 - 27 are not included in ZAC-95-13.

4. Please be advised that the RT-30 zone only permits a maximum of eight (8) single family dwellings in a continuous row. Therefore, Lot 9 and Block 29 would not be utilized.

5. The submitted survey plan did not specify the existing zoning boundary lines.

6. No schedule was submitted to determine the lot width and lot areas. Cannot determine compliance for Block 32, Block 33, Block 34, Block 35, Block 36 and Lot 20.

7. If Lots 24 - 27 will be in a C zone, then the lot width and areas conform.

8. Roads to be established.

9. Other lot areas and lot widths conform as shown."

COMMENTS:

1. The proposal complies with the intent of the Official Plan of the City of Hamilton.

2. The proposed road pattern complies with the neighbourhood plan. However, approval of the application will require an amendment to the approved Eleanor Neighbourhood Plan to redesignate Lots "1" to "9" inclusive, as shown on the draft plan of subdivision as red-lined revised, from "Single & Double" residential to "Attached Housing".

3. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;

- lots 1-9 are to be developed as street townhouse units. Although this results in a modest increase in the number of dwelling units, the integrity of the neighbourhood plan is maintained, and it would provide for a mix of housing types and tenure. In addition, the proposed street townhouse units are suitably located at the gateway to the neighbourhood and are to be developed as two blocks. Furthermore, the townhouse units will be subject to the site plan review process at which time matters such as landscaping, screening, grading, etc. can be reviewed; and,

- it is compatible with existing and proposed development in the area.

4. The Building Department advised that information regarding minimum lot widths and areas was not provided on the "red-lined" revised plan of subdivision. As a condition of draft plan approval, the Owner will be required to provide the City of Hamilton with a certified list prepared by an Ontario Land Surveyor showing the net area and width of each lot and the gross area of the subdivision in the final plan. Accordingly, the lot widths and lot areas on the final plan must conform with the provisions of the "RT-30" District (Lots 1-9) and "C" District (Lots 10-27). As a condition of draft plan approval, Block 29 is to be developed in conjunction with the adjacent lands for single detached dwellings.

   The Building Department noted that Lots 24 - 27 were not included in ZAC-95-13. The applicant's agent has requested that their zoning application be amended in accordance with the red-line revised Draft Plan of Subdivision.

5. The applicant has advised that they will develop Lots 1-4 as one grouping of street townhouse units and Lots 5-9 as a second grouping of street townhouse units. In addition, as the draft plan of subdivision has been revised to create four single detached lots (Lots 24-27 inclusive), the zoning application has been amended to include these lands within the proposed "C" District.

6. In order to prevent the creation of a land locked parcel of land (Block 37), Block 36 should not be registered until such time as the proposed street connecting Eaglewood Drive and Eleanor Avenue is constructed and dedicated to the City of Hamilton. In doing so, Block 36 and 37 will remain as one parcel of land with frontage along Dulgaren Street.

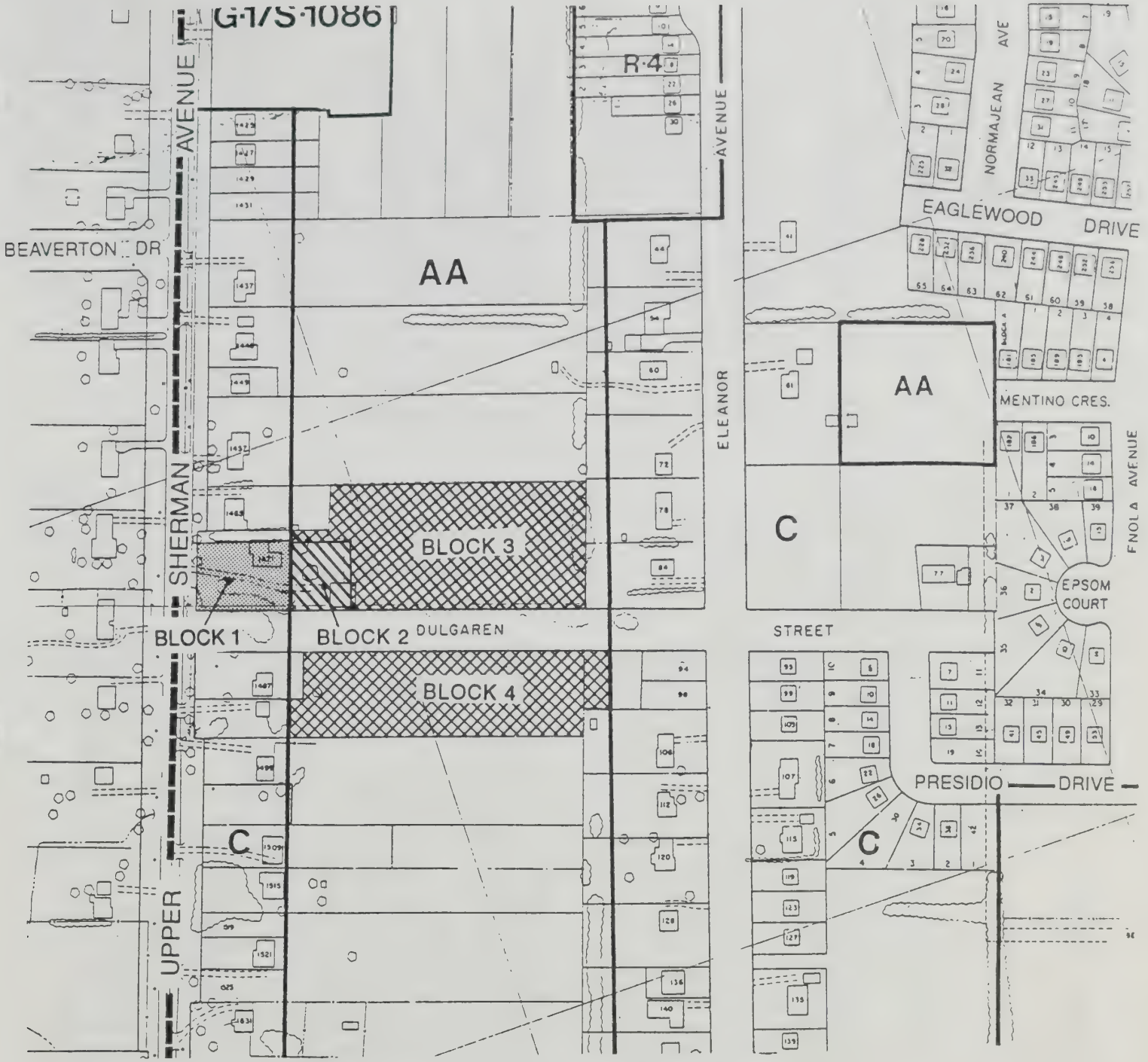
7. In accordance with the approved Eleanor Neighbourhood Plan, a portion of the Dulgaren Street road allowance is to be closed and developed for residential uses. New road connections between Eleanor Avenue and Eaglewood Drive are to be provided to the north and south of the subject lands. In this regard, prior to the development of Blocks 30-35 inclusive, the applicants will be required to acquire a portion of Dulgaren Street from the City. In this regard, the applicants have contacted the City to initiate the closure of the required portions of the Dulgaren Street road allowance.

8. As a condition of draft plan approval, the Owner should be required to make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes. The approved Eleanor Neighbourhood Plan provides for a neighbourhood park approximately 200 m to the east of the subject lands. In addition, there is a large park fronting onto Upper Sherman Avenue located in the abutting Butler Neighbourhood. As such, additional parkland within the "Eagleview Estates" subdivision is not required.

CONCLUSION:

On the basis of the foregoing, the applications can be supported.

SR/sr
REZONE\95-13



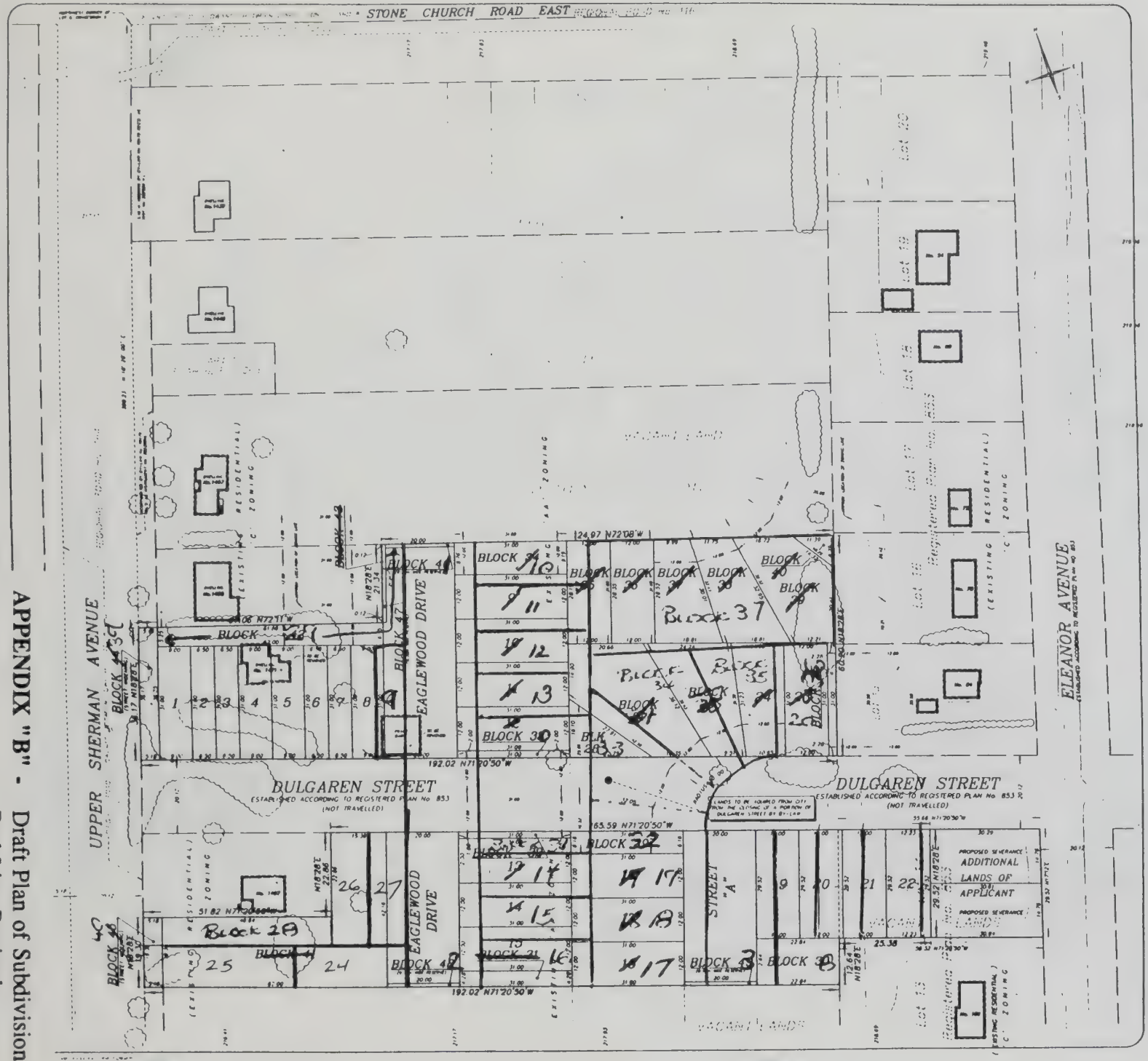
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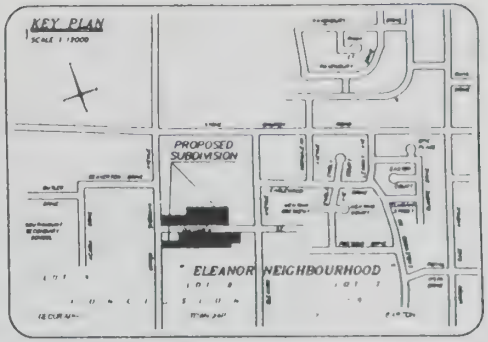
Proposed change in zoning from:

BLOCK 1		"C" (Urban Protected Residential, etc.) District,Modified, to "RT-30" (Street Townhouse) District.
BLOCK 2		"AA" (Agricultural) District, to "RT-30" (Street Townhouse) District.
BLK 3 & 4		"AA" (Agricultural) District, to "C" (Urban Protected Residential,etc.) District.

ZAC-95-13

APPENDIX "A"





DRAFT PLAN OF

EAGLEVIEW ESTATES

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 14 – ELEANOR HEIGHTS
REGISTERED PLAN No. 853
AND
PART OF LOT 8 – CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
ALL NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
SCALE 1:500
0 5 10 15 20 metres

B. J. CLARKE O.L.S
1995

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(4) THE PLANNING ACT

A SHOWN ON PLAN	G SHOWN ON PLAN
B SHOWN ON PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON PLAN	I CLAY LOAM
D SEE LAND USE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F SHOWN ON PLAN	L NONE

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

MAY 10, 1995 — DATE

B. J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

WE, MARP HOMES INCORPORATED BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH FOR THEIR APPROVAL

MAY 10, 1995 — DATE

MARTIN MAZZA – PRESIDENT

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 1.75ha (4.33 ACRES)
LOTS 1 TO 8 – PROPOSED R1.30 ZONING – SINGLE FAMILY – STREET TOWNHOUSES
LOTS 9 TO 24 – PROPOSED C ZONING – SINGLE FAMILY
BLOCKS 25 TO 43 – TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS
BLOCKS 44 & 45 – PROPOSED STREET WIDENING
BLOCKS 46 TO 49 – PROPOSED 0.30 WIDE RESERVES

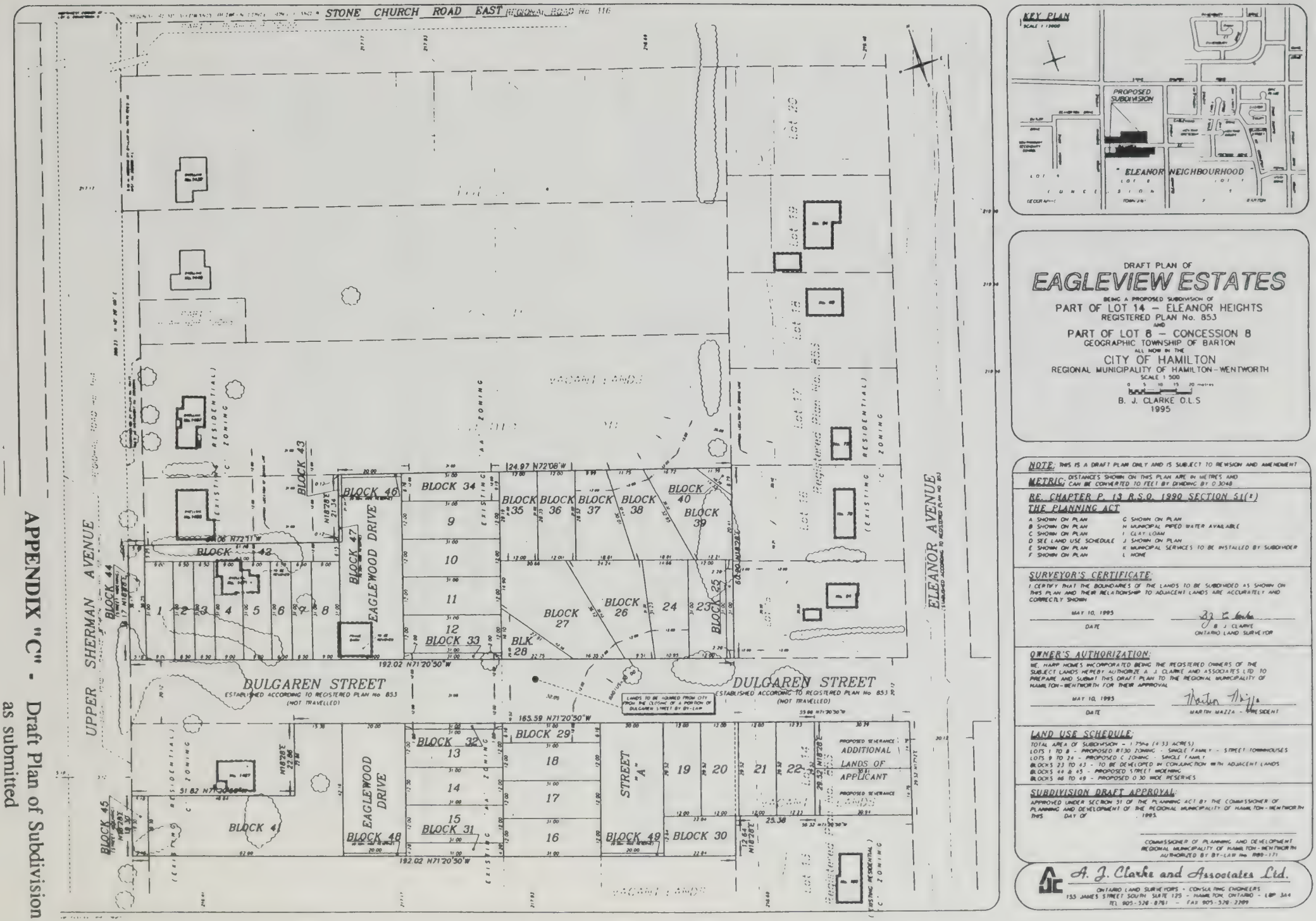
SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH THIS DAY OF , 1995

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
AUTHORIZED BY BY-LAW No. 89-171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS
133 JAMES STREET SOUTH, SUITE 123 - HAMILTON, ONTARIO - L8P 3A6
TEL 905-528-8761 - FAX 905-528-2289

APPENDIX "B" - Draft Plan of Subdivision



DRAFT PLAN OF

EAGLEVIEW ESTATES

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 14 – ELEANOR HEIGHTS
REGISTERED PLAN No. 853
AND
PART OF LOT 8 – CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
ALL NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON – WENTWORTH
SCALE 1:500
0 5 10 15 20 metres

B. J. CLARKE O.L.S
1995

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(1) THE PLANNING ACT

A SHOWN ON PLAN	G SHOWN ON PLAN
B SHOWN ON PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON PLAN	I CLAY LOAM
D SEE LAND USE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F SHOWN ON PLAN	L NONE

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

MAY 10, 1995 — DATE

B. J. CLARKE
ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

WE, HARP HOMES INCORPORATED BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON – WENTWORTH FOR THEIR APPROVAL

MAY 10, 1995 — DATE

MARTIN MAZZA – PRESIDENT

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 1.754ha (4.33 ACRE(S))
LOTS 1 TO 8 – PROPOSED RT30 ZONING – SINGLE FAMILY – STREET TOWNHOUSES
LOTS 9 TO 24 – PROPOSED C ZONING – SINGLE FAMILY
BLOCKS 25 TO 43 – TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS
BLOCKS 44 & 45 – PROPOSED STREET WIDENING
BLOCKS 46 TO 49 – PROPOSED 0.30 WIDE RESERVES

SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON – WENTWORTH THIS DAY OF , 1995.

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON – WENTWORTH
AUTHORIZED BY BY-LAW No. 80D-171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS • CONSULTING ENGINEERS
133 JAMES STREET SOUTH SUITE 125 • HAMILTON, ONTARIO • L8P 3A4
TEL 905-526-8761 – FAX 905-526-2289

APPENDIX "C" - Draft Plan of Subdivision as submitted

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1996 June 12 ZAR-96-04 Kirkendall North Neighbourhood
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	V. J. Abraham, M.C.I.P., R.P.P. Director, Planning and Development Department J. Pavelka, P.Eng. Chief Administrative Officer
SUBJECT:	Request for a modification in zoning - 18 Homewood Avenue.

RECOMMENDATION:

That approval be given to Zoning Application 96-04, George Lima, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, for property located at 18 Homewood Avenue, shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until the applicant has applied for and received Site Plan Control Approval for the required parking layout, grading, and landscaping.

City Council may remove the 'H' symbol, and thereby give effect to the "D" Modified District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

(ii) That the "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10 (1) of Zoning By-law No. 6593, the existing building may be used as a multiple dwelling containing not more than four (4) Class "A" dwelling units, subject to the Residential Conversion Requirements of Section 19;

(2) That notwithstanding Section 18A (11) & (12) of Zoning By-law 6593, a landscaped planting strip having a minimum width of 1.5 m (5.0 ft) shall be provided and maintained along the northerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained within the landscaped planting strip, except for the area occupied by the existing garage;

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-14 be notated S- ;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14 for presentation to City Council; and,

(v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, for property located at 18 Homewood Avenue, as shown on the attached key map.

The effect of the By-law is to permit a maximum of four (4) dwelling units within the existing building. The by-law also provides for the following variance as a special requirement:

- requires a landscaped planting strip having a minimum width of 1.5 m (5.0 ft) to be provided and maintained along the northerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained within the landscaped planting strip, except for the area occupied by the existing garage.

The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until the applicant has applied for and received Site Plan Control Approval for the parking area layout, grading, and landscaping.

City Council may remove the 'H' symbol, and thereby give effect to the "D" Modified District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Goerge Lima, owner.

BACKGROUND:

- Proposal

  The applicant was issued an order to comply on February 5, 1996 and was requested to reduce the occupancy to a two (2) family dwelling or legalize the present use. Thus, the applicant has applied for a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, to permit four (4) dwelling units within the existing building, for the property located at 18 Homewood Avenue, shown on the attached map.

  The agent for the applicant has advised that the existing building currently has five (5) self-contained units. However, the applicant is proposing four (4) dwelling units with a gross floor area in excess of 700.0 square feet for each unit within the existing building (i.e. two (2) - one (1) bedroom units and two (2) - two (2) bedroom units) and provide the required four (4) parking spaces on site.

- By-law 83-81

  By-law 83-81 applicable to lands located at municipal Nos. 22 to 24 Homewood, immediately to the west of the subject lands, permits the existing building to be used as a multiple dwelling containing not more than four Class "A" dwelling units. The By-law came into effect on June 9, 1983.

- By-law 92-281

  On November 10, 1992, City Council passed By-law No. 92-281 respecting Housing Intensification. This by-law revised zoning requirements to permit one accessory apartment in single-family zones (i.e. "AA","B","B-1","B-2","C","R-2", and "D" Zoning Districts), and only allows parking for one (1) dwelling unit within the required front yard provided that the required area for parking shall not occupy more than 50% of the gross area of the front yard, and not less than 50% of the area is landscaped.

LOT SIZE AND AREA:

- 22.86 m (75.0 ft.) of lot frontage on Homewood Avenue;
- 40.9 m (134.0 ft.) of lot depth; and,
- 934.9 m^2 (10,063.50 S.F.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Five (5) Family Dwelling	"D" (Urban Protected Residential One and Two Family Dwellings, etc.) District
Surrounding Lands		
to the north	One, Three, and Five Family Dwellings	"D" (Urban Protected Residential One and Two Family Dwellings, etc.) District
to the south	One, Three, and Four Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings) District
to the east	Three Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings) District
to the west	Four Family Dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings) District - Modified

OFFICIAL PLAN:

The subject lands are designated ***Residential*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents, and;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Kirkendall North Neighbourhood Plan. The proposal does not comply with the Plan. However, if approved a redesignation would not be required as the intended long term use for the area is Single and Double Residential.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - LACAC;
  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Roads Departments has advised:

  "1. According to our records, the existing road allowance width of Homewood Avenue is 19.81 m. Therefore we do not anticipate any further road allowance widenings at this time.

  2. According to plans submitted, the existing hedge encroaches into the Homewood Avenue road allowance. This encroachment is contrary to the City of Hamilton Street By-law and remains at the sole risk of the applicant/owner.

  3. In the absence of any details shown, we advise that any works within the Homewood Avenue road allowance must conform to the City of Hamilton Streets By-law."

- The Building Department has advised

  "1. Our records indicate the above noted property to be a two family dwelling only.

  The use of a multiple dwelling (4 or more self-contained Class A dwelling units, and not a building comprising of a Townhouse Dwelling or Maisonette Dwelling) is not permitted in the "D" District. Therefore, cannot comment on minimum lot width, lot area, required setbacks or other requirements as required by the specific zone.

  2. Under Section 18A, Table 1.(1)(g)(ii), a multiple dwelling requires one (1) space per Class A dwelling unit. Total of four (4) parking spaces are required. (Located in area "B" shown on Schedule "H"). No site plan submitted, cannot determine compliance regarding parking.

  3. Parking area shall have not less than one access driveway or one mutual driveway, having a width of at least 2.8 m [(18A(24)(a)].

  4. A multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway shall be located not less than 3.0 m from the common boundary between the district [18A(25)]. This requirement is waived, specifically

due to amending By-law 83-81, only for the western portion of lot abutting 22-24 Homewood Avenue.

5. A permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every paving area, manoeuvring space, loading space and access driveway [18A(30)].

6. As per Section 18A(14)(g), no part of the required parking area in a residential district shall be located in a required front yard."

- The Public Works and Traffic Department has advised:

"A site inspection of the subject property indicates that parking for 4 to 5 vehicles is currently provided on site. However, it should be noted that a number of variances related to the size of the space and manoeuvring areas would be required to legalize these spaces. It appears that additional parking can be provided in the rear yard, however, this would eliminate the majority of landscaped area in the rear yard.

We would be prepared to support the application to establish four residential units subject to the applicant providing a suitable plan providing the appropriate parking space and manoeuvring areas."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal conflicts with the intent of the approved Kirkendall North Neighbourhood Plan in that the lands are designated "SINGLE AND DOUBLE RESIDENTIAL". If approved a redesignation would not be required.

3. Notwithstanding that the By-law only permits conversion to a maximum of two (2) units, the proposal has merit and can be supported for the following reasons:

   - it would be compatible with existing development in the surrounding area which is comprised of a mix of one (1), three (3), four (4), and five (5) family dwellings. In this regard, the property immediately to the west is zoned "D" District - modified to permit a four (4) family dwelling;

   - it is a larger than average residential lot (i.e. 75.0 ft. x 134 .0) whereas the typical lot size is 40.0 ft. x 134 ft along Homewood Avenue;

   - it is an adaptive reuse of an existing residential building that will provide four (4) Class "A" Dwelling units in excess of 700 square feet each; and,

- adequate parking and manoeuvring can be accommodated on site.

4. To eliminate the existing front yard parking the applicant has suggested that the required four (4) parking spaces could be provided in the rear yard next to the rear lot line (See Appendix "B"). It is recommended that a landscaped planting strip having a minimum width of 1.5 m (5.0 ft) be provided and maintained along the northerly lot line, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height be provided within the landscaped planting strip, except for the area occupied by the existing garage. This planting strip and visual barrier will mitigate any potential spill-over effects (i.e. headlight glare) on the adjacent residential lands.

   Furthermore, it should be noted that the general provisions [i.e. Section 18A (31)] of the zoning by-law, except for single and two family dwellings, require the access driveway and parking area to be graded, drained, and paved with a permanent durable and dustless surface.

   The Department of Public Works and Traffic supports the application to establish four residential units subject to the applicant providing a suitable plan providing the appropriate parking and manoeuvring areas.

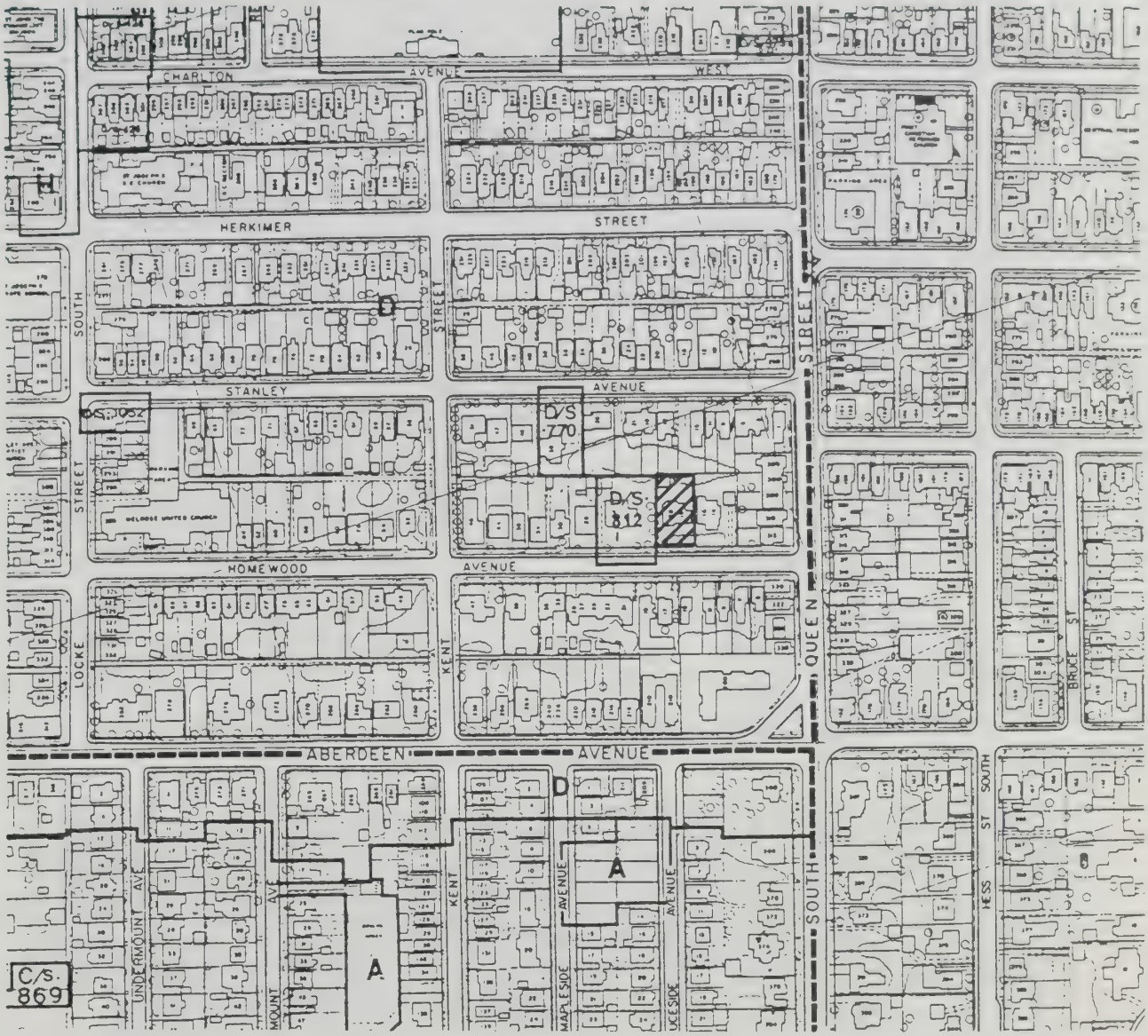
5. The "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters related to the required parking layout, grading, and landscaping will be further reviewed at the site plan approval stage of development.

   Furthermore, it is recommended that the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until the applicant has applied for and received Site Plan Control Approval for the required parking layout, grading, and landscaping. City Council may remove the 'H' symbol, and thereby give effect to the "D" Modified District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/jl
WPZAC9604



City of Hamilton

Plan Showing Lands Subject to

Application ZAR-96-05

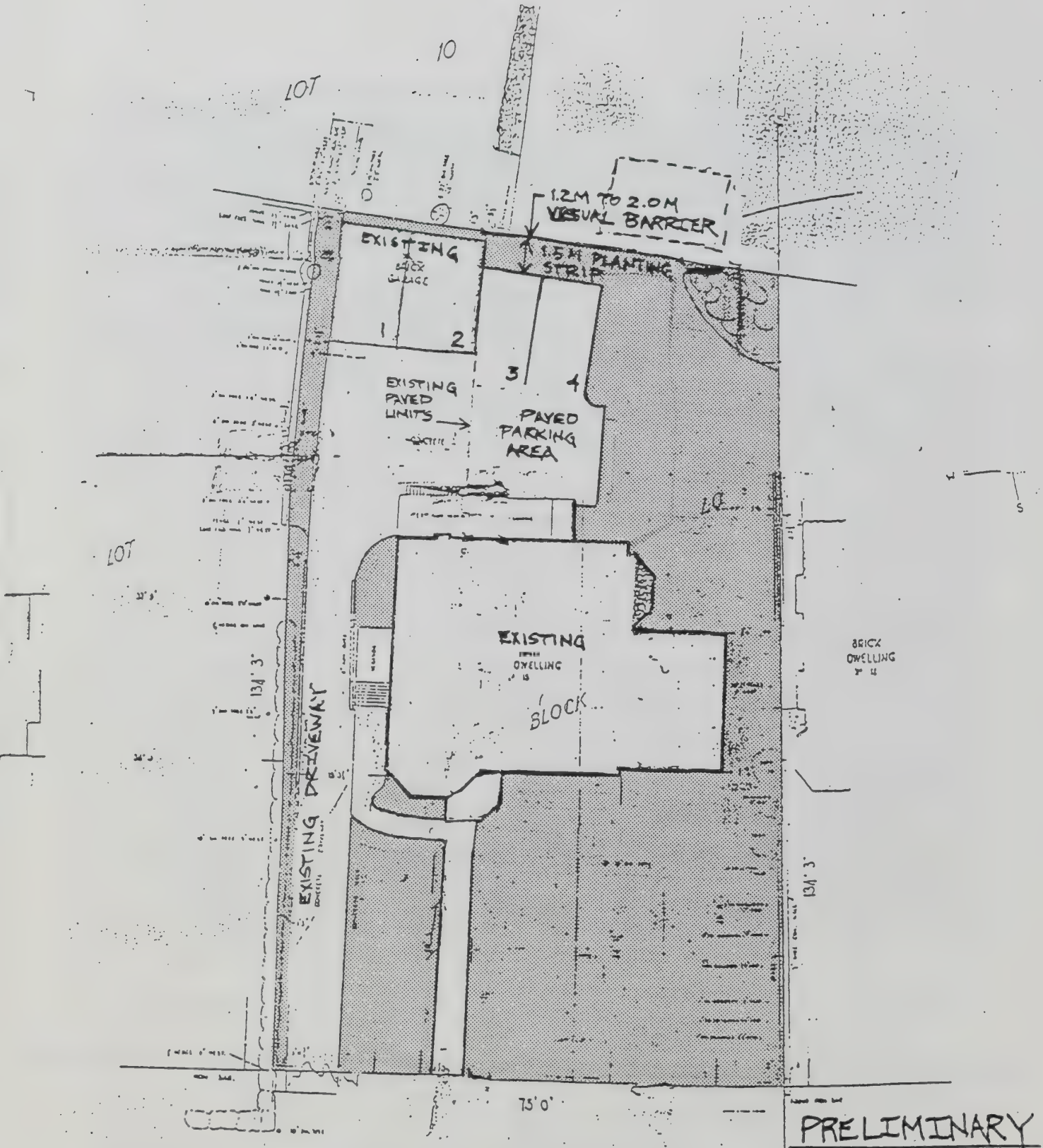
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	ZAR-96-04
	Date	Drawn By
	MARCH 1996	F.A.

APPENDIX A



PRELIMINARY SITE PLAN N.T.S.

18 HOMEWOOD AVENUE

*NOTE:- BASED UPON DISCUSSIONS WITH AGENT FOR APPLICANT

APPENDIX B



FRONT YARD PARKING TO BE RELOCATED TO REAR YARD (SEE APPENDIX B).



APPENDIX C

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 12
(OPA-MTV)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Mountview Neighbourhood - Official Plan Amendment, Neighbourhood Plan Amendment, and Rezonings for Lands of Chedoke Health Corporation

RECOMMENDATIONS:

(a) That approval be given to Official Plan Amendment No. ___ to redesignate lands from "Major Institutional" to "Residential" and "Open Space" (as shown on APPENDIX "A"); to create a new Schedule "J-1" for the Chedmac Secondary Plan Planning Area (as shown on APPENDIX "B"); and to establish new policies relating to the introduction of a new Schedule "J-1" for lands owned by Chedoke Health Corporation, bounded by Rice Avenue, Mohawk Road West, Magnolia Drive, and Scenic Drive;

(b) That the Mountview Neighbourhood Plan be amended in accordance with Schedule "J-1" of Official Plan Amendment No ;

(c) That approval be given to City Initiative OPA-MTV, Chedoke Health Corporation, owner, for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Recreation, and Open Space) District for Block "1"; from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District for Block "2"; from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse - Maisonette - Holding) District for Block "3"; from "AA" (Agricultural) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District for Block "4"; for modifications to the established "AA" (Agricultural) District regulations applicable to Block "5"; and from "B" (Suburban Agriculture and Residential, etc.) District to "AA" (Agricultural) District, modified for Block "6", for property located in the Mountview Neighbourhood, bounded by Rice Avenue, Mohawk

Road West, Magnolia Drive, and Scenic Drive, as shown on the attached map marked as APPENDIX "C", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Recreation, and Open Space) District;

(ii) That the amending By-law apply the holding provision of Section 36(1) of the Planning Act, R.S.O. 1990, to Block "2", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District for Block "2". The holding provision will prohibit the development of the subject lands until such time as the following conditions have been fulfilled:

(1) Servicing is available for the subject lands to the satisfaction of the Manager of Development, Development Division, Regional Environment Department;
(2) Approval of a draft plan of subdivision has been granted by the Regional Municipality of Hamilton-Wentworth.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District - modified provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled;

(iii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;

(iv) That the amending By-law apply the holding provision of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "3" and "4", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District for Blocks "3" and "4". The holding provision will prohibit the development of the subject lands until such time as the following conditions have been fulfilled:

(1) Servicing is available for the subject lands to the satisfaction of the Manager of Development, Development Division, Regional Environment Department;
(2) Completion of noise mitigation measures, to the satisfaction of the Ministry of Environment and Energy, to address noise generated from the hospital laundry facility;

City Council may remove the 'H' symbol, and thereby give effect to the "RT-20" and "DE-3" District - modified provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled;

(v) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse - Maisonette - Holding) District;

(vi) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10E.(3) of Zoning By-law No. 6593, no building or structure shall exceed one and one-half (1-1/2) storeys and 9.5 m (31.16 feet) in height;

(2) That notwithstanding Section 10E.(2) of Zoning By-law No. 6593, a community centre with a capacity of not greater than sixty persons, only to be used in conjunction with and accessory to the principal use shall be permitted;

(viii) That Block "4" be rezoned from "AA" (Agricultural) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District;

(ix) That the "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of Zoning By-law No. 6593, applicable to Block "4", be modified to include the following variances as special requirements:

(1) That notwithstanding Section 10C(1) of Zoning By-law No. 6593, only one of the following uses shall be permitted:

(aa) a Home for Elderly Persons, restricted to housekeeping units with or without culinary space, in a building of not greater than six storeys in height; or,

(bb) townhouse dwelling units subject to Section 10E of Zoning By-law No. 6593 and the provisions of Section (c)(vi)1. of this By-law;

(2) In addition to the permitted uses specified in Section (c)(ix)1.(aa) of this By-law, an amenity centre of not less than 500 square metres, accessory to the residential use specified in Section (c)(ix)1.(aa) of this By-law, shall be required;

(aa) for the purposes of this By-law, "Amenity Centre" shall include one or more of the following uses:

1) Administrative Offices;
2) Chapel;
3) Library;
4) Activity and Exercise rooms;
5) Lounges;
6) Dining Room;
7) Variety Store;

8) Hairdresser.

(x) That Block "6" be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "AA" (Agricultural) District;

(xi) That the "AA" (Agricultural) District regulations, as contained in Section 7A of Zoning By-law No. 6593, applicable to Blocks "5" and "6", be modified to include the following variances as special requirements:

(1) that notwithstanding Section 7A.(1), only the following uses shall be permitted:

(aa) a public and private hospital and accessory uses thereto;
(bb) a day nursery;
(cc) a public parking lot in accordance with the regulations of Section 13C of Zoning By-law No. 6593;
(dd) a residential care facility for not greater than 40 persons;
(ee) a sanatorium;
(ff) medical offices;

(2) that notwithstanding Section 7A.(2) of Zoning By-law No. 6593, the following height restrictions shall apply:

(aa) except as provided in clause 2(bb), where a building or structure is distant not greater than 30.0 metres from a Residential District as specified in Section 2(2)A of Zoning By-law No. 6593, the height of a building or structure shall not exceed three storeys;

(bb) where a building or structure is distant not less than 30.0 metres from a Residential District as specified in Section 2(2)A of Zoning By-law No. 6593, the height of a building or structure shall not exceed six storeys;

(3) Section 18.(2)(iia) of By-law No. 6593 shall not apply to Blocks "5" and "6".

(xii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-36 and W-37 be notated S- ;

(xiii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37 for presentation to City Council;

(xiv) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. ;

(d) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be amended by adding Blocks "5" and "6" to Schedule "A";

(e) That the Ontario Municipal Board and the Regional Municipality of Hamilton-Wentworth be advised that this report, including the recommended Official Plan Amendment and rezonings, represent the consensus position of Hamilton City Council, the Mountview Mediation Committee, and Chedoke Health Corporation on the proposed development of the lands owned by Chedoke Health Corporation; and,

(f) That the Ontario Municipal Board be requested to direct the Regional Municipality of Hamilton-Wentworth to resume the file on the Mountview Neighbourhood and approve the Official Plan Amendment.

EXPLANATORY NOTE:

1. City Council will adopt Official Plan Amendment No. to redesignate lands from "Major Institutional" to "Residential" and "Open Space"; to create a new Schedule "J-1" for the Chedmac Secondary Plan Planning Area; and to establish new policies relating to the introduction of a new Schedule "J-1" for property located in Mountview Neighbourhood and bounded by Rice Avenue, Mohawk Road West, Magnolia Drive, and Scenic Drive. The purpose of the amendment is to allow residential development for a portion of the lands of Chedoke Health Corporation as well as additional open space within this area.

2. The amending By-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O., on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning districts. The holding provision will prohibit development on Blocks "2", "3", and "4" until the following conditions are fulfilled:

Block "2":	Provision of municipal services and the completion of a draft plan of subdivision.
Blocks "3" and "4":	Provision of municipal services and the completion of a noise study for the hospital laundry facility.

Removal of the holding restriction shall be conditional upon the availability of all such municipal services as the City deems necessary, the draft plan of subdivision, the noise study, and the passage of an amending By-law by City Council to remove the 'H' holding symbol, and thereby giving effect to the "C", "RT-20", and "DE-3" District provisions as stipulated in the By-law outlined below.

The purpose of the By-law is to provide for changes in zoning from "AA" (Agricultural) District to "A" (Conservation, Recreation, and Open Space) District for Block "1"; from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District for Block "2"; from "AA" (Agricultural) District to "RT-20" - 'H' (Townhouse - Maisonette - Holding) District for Block "3"; from "AA" (Agricultural) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District for Block "4"; for modifications to the established "AA" (Agricultural) District regulations applicable to Block "5"; and from "B" (Suburban Agriculture and Residential, etc.) District to "AA" (Agricultural) District, modified for Block "6", for property located in the Mountview and Westcliffe West Neighbourhoods, bounded by Rice Avenue, Mohawk Road West, Magnolia Drive, and Scenic Drive, as shown on the attached map marked as APPENDIX "C".

The effect of the By-law is to permit the development of the subject lands for:

- a park (Block "1");
- single-family detached homes (Block "2");
- townhouses restricted to a maximum height of 1 1/2 storeys (Block "3");
- a retirement home restricted to a maximum height of six storeys or townhouses restricted to a maximum height of 1 1/2 storeys (Block "4");
- hospital and accessory uses only (Blocks "5" and"6").

In addition, the By-law establishes the following special provisions:

Block "3"

In addition to the permitted 1 1/2 storey townhouses, a community centre (for a maximum of 60 persons) shall also be permitted as an accessory use.

Block "4"

An amenity area, of at least 500 square metres, within the retirement home will be required. The amenity area shall consist of one or more of the following uses:

1) Administrative Offices;
2) Chapel;
3) Library;
4) Activity and Exercise rooms;
5) Lounges;
6) Dining Room;
7) Variety Store;
8) Hairdresser.

Blocks "5" and "6"

The following special requirements are established for Blocks "5" and "6" (Chedoke Hospital):

- the hospital and accessory medical uses (e.g. medical offices) shall be permitted;
- parking for the hospital shall be permitted;
- there is no requirement for a portion of Blocks "5" and "6" to be vacant whereas the Zoning By-law normally requires 90% of the lot area to be vacant;
- the By-law removes the provision which allows hospital buildings to increase the height of the building for increases in the side yards;
- the By-law introduces alternative set back requirements from residential areas, as follows:

    - for buildings within 30 m (100 feet) of a residential district, no building may be higher than three (3) storeys;
    - for buildings beyond 30 m (100 feet) in distance from a residential district, no building may be higher than six (6) storeys.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Application for Neighbourhood Plan Amendment and Official Plan Amendment

In 1991, Chedoke Health Corporation submitted an application for a revised neighbourhood plan for their lands in the Mountview Neighbourhood (called the "Original Proposal"). The Original Proposal consisted of the following:

1. Chedmac Drive was to be extended north of the hospital and connect with Scenic Drive. North of the extension of Chedmac Drive, large lot single-family homes (lot widths of fifty feet) were proposed adjacent to the existing homes on San Pedro Drive. Other lots

in the area would be single-family homes on both forty foot lots and thirty-three foot lots. A stormwater detention pond would be included in this area of approximately 1.3 hectares in size and this pond would be located at the corner of the intersection of the Chedmac extension and Scenic Drive.

2. West of the Twin Pad Arena, Mountview Park was to be extended from its current size of approximately 3.4 acres to approximately 10.3 acres;

3. South of the park, a crescent of single-family homes was to be established. The crescent has access to and from Magnolia Drive only. These homes would be on lots of approximately forty feet in width.

4. East of the crescent, on the south side of Chedmac Drive, a variety of multiple family housing was proposed as follows: townhouses; low density apartments (3-5 storeys); and medium density apartments (up to 8 storeys).

5. The balance of the land (i.e. the land on the interior of the boundary of Chedmac Drive and Sanatorium Road) was to remain designated as "Institutional" for hospital use.

As part of the neighbourhood plan review, an application to amend the Official Plan was submitted. This application involved redesignation of the lands to be developed for residential purposes from "Major Institutional" to "Residential"; the park and stormwater pond would be redesignated from "Major Institutional" to "Open Space".

The public consultation process for the Original Proposal included three evening information meetings, as well as the statutory meeting required by the Planning Act. It became apparent that there was substantial neighbourhood opposition to the proposed development, although the proposal was supported by staff. At its meeting of July 22, 1994, the Planning and Development Committee denied the application by Chedoke Health Corporation.

Chedoke Health Corporation subsequently submitted a request to the Regional Municipality of Hamilton-Wentworth for referral of Council's decision to the Ontario Municipal Board. Regional Council granted the request and referred the amendment to the Board. The Board is holding the file pending the outcome of the mediation process.

Zoning Application 94-19/Subdivision Application 94-02 (Starward Homes)

In July of 1994, an application was submitted for a plan of subdivision and rezoning for lands north of Chedoke Hospital (Appendix "D" outlines the plan of subdivision). The application consisted of 173 single-family building lots, a stormwater management pond, and open space lands to be included in Mountview Park. The rezoning and plan of subdivision were consistent with the Official Plan Amendment and Neighbourhood Plan that were denied by Council. The applicant requested that the Planning and Development Committee table the application pending the outcome of the mediation process. On August 25, 1995, the Planning and Development

Committee agreed to the applicant's request. It is staff's understanding that the application will be amended in accordance with the mediated solution, when the mediation process is finalized.

MEDIATION PROCESS:

In late 1994, Chedoke Health Corporation requested that the City, including appropriate staff and the two Ward Aldermen, enter into a mediation process to try to resolve the concerns identified during the review of the initial proposal for development. Council established the "Mountview Mediation Committee" which consisted of seven residents of the two neighbourhoods (Mountview and Westcliffe West), the two Ward Aldermen, representatives of Chedoke Health Corporation, and staff from the Planning and Law Departments.

The Mountview Mediation Committee met a total of eight times to discuss the issues of concern that were identified by residents of the neighbourhoods. Many of the concerns related to the original proposed densities, traffic, the stormwater pond, and school capacity. Options were discussed amongst the Committee Members, staff, and representatives of Chedoke Health Corporation in order to address the concerns of neighbourhood residents. The planning consultants for Chedoke Health Corporation developed an alternative proposal for the vacant lands, called the "Compromise Solution" (attached as APPENDIX "B"). The Compromise Solution consists of the following elements:

1. Retention of the single-family home development north of Chedoke Hospital.

2. A reconfiguration of the proposed park addition so that the park boundary is essentially squared off.

3. Replacement of the court located south of Twin Pad Arena with a crescent. The form of development in this area has changed substantially: the Compromise Solution includes townhouses with a maximum height of 1 1/2 storeys and the option of a six storey retirement home.

4. The crescent and court off of Magnolia Drive remain with a slight reconfiguration of the road.

5. Chedmac Drive is no longer a ring road; on the Compromise Solution it is shown as a neighbourhood collector street with T-intersections north and south of the Twin Pad Arena.

The biggest difference between the proposal denied by Council (the "Original Proposal") and the Compromise Solution is the type of residential neighbourhood. Whereas the Original Proposal involved the typical range of residential development (e.g. single-family homes; apartments; and townhouses); the Compromise Solution focuses on housing for families (single-family homes) and housing for empty-nesters/retirees. The latter housing type includes two alternatives: the 1 1/2 storey townhouses and the retirement home.

The following table is a comparison of densities between the Compromise Solution and the Original Proposal:

Form of Development/Location	Compromise Solution	Original Proposal
Large Lot Singles/Singles (north of hospital; adjacent to San Pedro Dr.)	212 units	173 units
Single Family (court/crescent off Magnolia Drive)	70 units	62 units
Seniors Townhouses (north of Mohawk Road apartments)	248 units	0 units
Alt.1: Retirement Home (south of arena) Alt.2: Seniors Townhouses (south of arena)	346 units 83 units	0 units 0 units
Townhouses (south of arena)	0 units	92 units
Apartment Building (< 5 storeys) (south of arena)	0 units	264 units
Apartment Building (> 5 storeys) (south of arena)	0 units	357 units
TOTALS: Alt. 1 Alt. 2	 876 units 613 units	948 units

The densities for the two proposals do differ. Under Alternative 1 (which includes the seniors retirement home), the proposed number of units would be approximately ten percent less than what was proposed in the Original Proposal. Alternative 2 is a substantial reduction in the number of units from the Original Proposal (approximately one-third); this alternative replaces the retirement home on Block "4" with 1 1/2 storey townhouses.

A related issue to the density of development are the population figures associated with the different proposals. The Original Proposal would have introduced an additional 2,550 persons into the neighbourhood. The Compromise Solution would introduce 1,643 persons (Alternative 1) or 1,297 persons (Alternative 2). Also, the Compromise Solution would reduce the number of children by approximately one-half from what was anticipated in the Original Proposal. This should minimize the impact on the schools in the area (which was a concern with the Original Proposal).

PUBLIC CONSULTATION/PARTICIPATION:

The Mountview Mediation Committee and the Planning and Development Department held three public meetings and two open houses regarding the Compromise Solution. The meetings were held to determine whether there was support in the broader community for the Compromise

Solution; whether there were additional issues to be addressed; and whether there was support to recommend that Council adopt the revised Official Plan Amendment, the Neighbourhood Plan, and the rezoning proposals. The public meetings and open houses were well attended with over three hundred residents attending at least one open house or public meeting.

There appears to be good support within the community for the Compromise Solution. This is evidenced by the following:

- the number of submissions with comments/concerns is substantially less for the Compromise Solution versus the Original Proposal;
- the submissions received from the public show that the majority favour the Compromise Solution over the Original Proposal. Equally as significant is the fact that the majority of submissions also favour the Compromise Solution over no development;
- several of the submissions express support for the Compromise Solution and have no other comments;
- a number of residents indicated their desire to purchase one of the proposed units (either a townhouse or a single-detached home);
- the sentiments expressed at the public meetings and open houses indicated support for the Compromise Solution. The public meetings for the Original Proposal were overwhelmingly negative and clearly expressed opposition to that proposal.

However, based on the submissions received as a result of the Open Houses and Public Meetings held to present and review the Compromise Solution, a few issues do remain for some residents. The following is a list of the issues and a discussion of how the issue is to be addressed.

Land Use Issues

1. Preference for townhouses over retirement home

   The submissions received regarding this issue expressed a clear preference for the townhouses and suggested that the retirement home be deleted as a proposed land use. The rationale behind the proposed land uses is to provide a mix of housing types within the neighbourhood and, in the broader community sense, on the West Mountain. The combination of the retirement home and townhouses will address housing needs for retirees, seniors, and elderly persons requiring more care than would someone living the townhouses. The two alternatives for this particular block (Block "6" on Appendix "B") provide Chedoke Health Corporation with some flexibility in the longer term. Chedoke Health Corporation has agreed to rezonings which limit the land use for its property. In addition, the building does have a maximum height of six storeys, which is no greater than any other building on the hospital property and substantially less than the apartment buildings on Mohawk Road West. Accordingly, the two alternative land uses for Block "6" should remain.

2. Affect on Property Values

There is a perception that the proposed development of the vacant lands will affect the property values of the existing homes. This is a difficult issue to address because it is a perception. Discussions with the developer of the single-family homes north of the hospital indicate that these homes are proposed to sell in the range of $180,000 to $250,000. It is also expected that the townhouses will also be owned homes (as opposed to rental units). The homes for sale are intended to complement the existing neighbourhood. Over and above what is intended with the neighbourhood plan, the Ministry of Housing has completed studies which indicate that tenure and unit type (e.g. townhouses and apartments) do not impact on the value of adjacent lower density homes. Accordingly, while it is a perception that there may be an affect on property values, the compatibility of the development and the ownership of the units is intended to add to the neighbourhood and not detract from it.

3. Need for a Senior's Centre

This concern relates to the need for recreational and social facilities for the residents of the retirement home and townhouses. The retirement home, under the proposed zoning regulations, is required to have an amenity area for such purposes. A community centre is also a permitted use within the townhouse area. These facilities should address the needs for recreational and social facilities within the neighbourhood.

4. Environmental Impacts related to construction

There are two issues of concern relative to the construction: dust control during construction and grading to ensure the existing homes on San Pedro Drive are not impacted. A few residents indicated that dust was an issue during the construction of the Scenic Woods subdivision (Scenic Woods is located on the west side of Scenic Drive, opposite Olympic Park, in the Town of Ancaster). Dust control during construction would be the responsibility of the Region and the contractor. Both Regional staff and the developer have provided the residents with their assurances that mitigation measures will be in place to control dust during construction. Implementation of these measures will be done through the subdivision agreement.

Grading is an issue that is dealt with through plans of subdivision. The grading plans are required and form part of the subdivision agreement. The grading plans are done to ensure that there is no impact on adjoining properties in terms of run-off or ponding of water. This issue will be addressed through the subdivision agreement.

Stormwater Pond

The stormwater pond was perhaps one of the most contentious issues during the review of the Original Proposal. The mediation process, the open houses, and the public meetings allowed staff and the consultants for Chedoke Health Corporation to share a great deal of information regarding the pond.

Stormwater ponds are new in Hamilton, although they have been used in the surrounding municipalities. Improvements to stormwater management are required by the Ministry of Natural Resources in all municipalities and are implemented through the Best Management Practices Manual from the Ministry. A drawing was prepared for Chedoke Health Corporation which outlines how the pond will be constructed, the nature of the vegetation, and how the water will be treated in the pond. This drawing, along with the information provided by staff, has alleviated most of the concerns relative to the pond. The pond design has not been submitted for formal approval by the Region, at this time.

However, a few submissions received continue to question the need for the pond. It is required by the Ministry of Natural Resources and the Conservation Authority to handle the stormwater from the hospital. An additional submission requested that the pond be fenced. Experience shows that fenced ponds become a challenge for people wanting access. This pond is intended to be a natural area within the neighbourhood and will include seating areas. It will be shallow in depth and, after the initial storm has drained (approximately twenty-four hours after the storm), the pond will be marshy only. This should make the pond less of a challenge for any person trying to access the pond and fencing is not recommended.

Traffic Issues

1. Traffic on Magnolia Drive

   This issue is the most contentious of the remaining issues. Residents on Magnolia Drive and Lavina Crescent are concerned about traffic on Magnolia Drive. This issue has arisen from the residents on Lavina, who have experienced speeding traffic and accidents at the corner of Magnolia and Lavina (there is no stop sign at this corner). The Traffic Division of Public Works has advised that a stop sign was installed at Vanessa Court and Magnolia Drive because of the speed of traffic and accidents at the Magnolia/Lavina corner. Since the installation of the stop sign at Vanessa Court, no accidents have been reported at Lavina and Magnolia. The proposed neighbourhood plan would create a three-way intersection with the court/crescent off Magnolia Drive; the Traffic Division has advised that the Magnolia portion of the intersection would have a stop sign placed on it. A three-way stop could be instituted by Council.

   The residents have requested that the possibility of connecting Chedmac to Magnolia be reviewed in order to alleviate the traffic issue. Staff have discussed the issue with the residents and the Ward Alderman, and three options have been proposed as alternatives

to the proposed neighbourhood plan (APPENDIX "B"). The options are: connect Chedmac and Magnolia; construct a road that extends Magnolia north through St. Teresa School to San Antonio Drive; and extend Tivoli Street through Olympic Park to Scenic Drive.

a) Connect Chedmac and Magnolia Drive

The neighbourhood plan was designed so that there would be no direct access from Chedmac Drive to Magnolia Drive. This was to avoid having hospital and arena traffic using Magnolia Drive. There are existing single-family homes on Magnolia Drive and it is known that the speed of traffic and the Lavina/Magnolia intersection has been problematic in the past. However, it is believed that connecting Chedmac and Magnolia would allow traffic into the existing residential neighbourhoods which could increase the traffic issues for the residents whose houses front on Magnolia. Accordingly, this option is not recommended. For the information of the Committee, the Traffic Division has advised that the Magnolia/Mohawk intersection is functioning well and could accommodate additional traffic volume.

b) Extend Magnolia Drive northward

This option would extend Magnolia Drive northward to connect with San Antonio Drive. The new street would run behind St. Teresa School and would involve the use of some of the existing portion of Mountview Park.

There are problems associated with this option. The street would run behind St. Teresa School and would separate the school from the park by a road. It is generally the City's policy to site parks adjacent to schools to allow free movement between the facilities. The proposed road would take traffic that is northbound into Mountview Neighbourhood off of Lavina; however, it would create a situation wherein St. Teresa School would have traffic on two streets adjacent to the school. Extending Magnolia Drive may encourage through traffic; it could also create a long street that could allow speeding in vicinity of a school. Accordingly, this option is not recommended.

c) Extend Tivoli Street west to Scenic Drive

This option was proposed to provide an additional access to Scenic Drive. Tivoli Street as it currently exists is within the City of Hamilton. However, the proposed extension is located within the Town of Ancaster. Extension of the street would require the Town's consent. The Town of Ancaster was contacted regarding this option; staff have indicated that there are concerns related to road grade, access to Scenic Drive (which is a Regional road), and traffic impacts for residents living in the Scenic Woods subdivision.

The proposed extension would be located directly north of Olympic Park. Staff of the Parks Division have indicated that the proposed extension of Tivoli Street would not impact on the park operations. Staff of the Traffic Division have indicated that the extension may alleviate traffic at the corner of Lavina and Magnolia.

This option is not recommended for implementation at this time. There are issues related to the concerns from the Town of Ancaster that need to be addressed. In addition, the issue of who will bear the cost of constructing the road should be determined, as well as whether the land should be transferred to the City of Hamilton if the road is built. These issues should be resolved and a public meeting held with the residents of the Scenic Woods subdivision prior to a decision being made. This option, therefore, is premature at this time. In addition, the neighbourhood plan, as recommended, should resolve the issue and the extension of Tivoli Street may become a moot issue.

This issue stems from the experience of residents who live on Lavina Crescent and Magnolia Drive. It should be noted that, since the placement of the stop sign at Vanessa Court, there have been no reported accidents at the Magnolia/Lavina intersection. The chief concern appears to be the additional traffic from the court/crescent off Magnolia. The traffic from this development (the development is 40 units) would be largely morning and evening peak traffic. In this regard, the crescent provides access at two points on Magnolia so that the majority of traffic from this development will be using the proposed crescent and cul-de-sac and only a small portion of Magnolia Drive. In addition, with the development of this area, an additional stop sign will be placed at the Magnolia/Lavina intersection. The three proposed alternatives may create more problems and, in fact, may not address the issue of concern. The proposed neighbourhood plan, with the introduction of the additional stop sign on Magnolia Drive, should alleviate most of the concerns identified. Accordingly, the neighbourhood plan, as proposed, is the preferred solution to this issue.

2. Sanatorium Road and Intersections with Chedmac Drive

One of the areas of greatest concern was the potential closure of Sanatorium Road through Chedoke Hospital. The road as it exists today is curvy and the pavement condition is less than desirable. However, until the issue of whether Sanatorium would remain as a public road through the hospital was resolved, the City did not undertake significant work on this street.

Chedoke Health Corporation wanted to close the road as there have been problems associated with the road. Chief among the problems is the fact that the parking areas are on the east side of the road and the hospital facilities are on the west side of the road. The hospital is also concerned about speeding through its facilities on Sanatorium Road.

For these reasons, it was suggested that Sanatorium Road be closed and Chedmac Drive, as a ring road, be established as the alternative route. The Original Proposal showed Chedmac Drive as a ring road connecting directly to Scenic Drive at the north end. At the south end, Chedmac would be established as it exists currently, connecting to Rice Avenue south of the hospital.

This issue has been difficult to resolve with the community, staff, and the Mediation Committee. The alternatives are the ring road as proposed in the Original Proposal, with Sanatorium Road closed; or retaining Sanatorium Road as a public highway (with connection to Scenic Drive) and reconfiguring Chedmac Drive to be a collector with stop signs. The Committee, the neighbourhood residents, and staff of the Planning and Development Department support the second option. The input received from the Committee members and the public is very clear: Sanatorium Road through the hospital is used as the main connection from the north part of Mountview Neighbourhood to Mohawk Road and the commercial development at Harvard Square (on the south side of Mohawk Road). Closing Sanatorium Road through the hospital and forcing the traffic onto Chedmac Drive was seen as undesirable, taking longer, and not a viable solution for the community residents. The consultants acting for Chedoke Health Corporation have agreed that Sanatorium Road should remain open and they will not seek Council's approval to close the road. The Traffic Division of the Public Works and Traffic Department has indicated their preference for Chedmac to be a ring road.

The decision regarding Sanatorium Road has implications for the alignment of Chedmac Drive. Originally Chedmac Drive was to be a ring road with no stop or yield signs on the ring portion. Chedmac Drive was also to have direct connection to Scenic Drive north of the hospital. With Sanatorium Road remaining open and functioning as the main access to Mohawk Road, Chedmac could be redesigned. One alternative was the ring road; a second alternative is as shown on APPENDIX "A", which is the preferred alternative. The preferred alternative would have Chedmac Drive with intersections at the Twin Pad Arena, north of the arena adjacent to the proposed single-family development, and at Sanatorium Road. The reasons for this recommendation are as follows:

i) introducing intersections on Chedmac Drive will require traffic to stop at the Twin Pad Arena and again north of the arena. The land uses proposed to be developed include an extension of Mountview Park opposite the arena and single-family homes north of the arena. The intersections will slow traffic down adjacent to these areas.

ii) The T-intersection at the Twin Pad Arena will allow the proposed crescent south of the arena to intersect Chedmac at a T. This intersection will also provide better road frontage for the extension of Mountview Park. Finally, the Roads Department has indicated that the current road curve at the Twin Pad Arena does not meet the sight-line distance requirements; the reconfiguration of the road should address this issue.

iii) Sanatorium Road will now be an alternative collector to Chedmac Drive. In this regard, Chedmac can be designed to integrate with the adjoining neighbourhood streets. Chedmac would provide access to and from the residential areas and the park, but would not be the main collector road for traffic travelling from the north area of the neighbourhood (the San Survey). Pedestrian access from the San Survey area will be provided via a walkway at the extension of Beamis Avenue.

Park Issues

The submissions received indicate support for the proposed extension of Mountview Park. However, some submissions still indicate a preference to retain the entire area as open space. The proposed secondary plan includes the enlargement of Mountview Park so that the park would be approximately ten acres in size (as opposed to its current 3.5 acres). This is a substantial increase in size and will allow programming of community oriented activities (e.g. sports fields).

Retaining the entire area as open space is not feasible. Chedoke Health Corporation and Chedoke Hospital could seek expansion of the hospital facilities at a greater intensity than what is proposed in the secondary plan. The proposed secondary plan provides additional park/open space within the neighbourhood in combination with low density residential development.

COMMENTS:

1. The proposed Official Plan Amendment and Secondary Plan can be supported for the following reasons:

   i) The proposal implements the intent of the Official Plan with respect to the housing policies of the Official Plan. In particular, the proposed secondary plan provides for a mix of residential densities, alternative housing, and housing for retirees, seniors, and empty nesters.

   ii) The proposed secondary plan achieves land use compatibility with the existing land uses and the surrounding neighbourhoods. In particular, the proposed residential developments are compatible with the existing residential development and the hospital use.

   iii) The introduction of additional residential development within Mountview Neighbourhood should not create spillover effects into the existing community. In particular, the road system has been designed so that traffic from the new development will be directed to the new streets and collectors and does not have direct access to the existing residential community.

   iv) In terms of the Compromise Solution, it represents appropriate planning for the area in terms of density, compatibility of land use, and mix of housing. In addition, the Compromise Solution is also a community based solution and

represents the consensus on resolving the issues that arose from the Original Proposal.

2. During the review of the Original Proposal, it became apparent that there was widespread concern that what was shown on the Secondary Plan would not in fact be built. The concerns related primarily to the fact that the implementing zoning could increase the height and/or density of the residential development beyond what was contemplated in the Secondary Plan. After discussion with the Ward Alderman, the Mountview Mediation Committee, and staff, it was agreed that the implementing zoning by-law changes would be included in this report to provide a measure of certainty regarding the long-term intended land uses. The following is a synopsis for the zoning for each of the blocks within the amendment area.

It should be noted that the lands north of the hospital and proposed for single-family development are the subject of an application for rezoning and a plan of subdivision; this application was submitted by Starward Homes. The lands of those applications are <u>not</u> included in the rezoning proposals.

i) Block "1" - this is a rezoning for the proposed extension of Mountview Park and rezones the land to "A" (Conservation, Recreation, and Open Space) District.

ii) Block "2" - this is a rezoning to "C" - 'H' (Urban Protected Residential, etc. - Holding) District. The holding provision requires the following to be completed prior to development: servicing of the lands and a plan of subdivision.

iii) Block "3" - this is a rezoning to "RT-20" - 'H' (Townhouse - Maisonette - Holding) District, modified. The holding provision requires the following to be completed prior to development: servicing of the lands and a noise plan for mitigation of the noise from the hospital laundry. Noise mitigation was required for the proposed residential development located to the east of the laundry and it would be appropriate to place a similar requirement for lands south and west of the laundry as these, too, are proposed for residential development.

The By-law established the following variances as special requirements:

a) a maximum height of 1 1/2 storeys and 9.5 metres;
b) a community centre, for not more than 60 persons, shall be permitted within the development.

iv) Block "4" - this is a rezoning to "DE-3" - 'H' (Multiple Dwellings - Holding) District, modified. The holding provision requires the following to be completed prior to development: servicing of the lands and a noise plan for mitigation of the noise from the hospital laundry. In addition, the By-law established the following variances as special requirements:

a) Either a retirement home or townhouses will be permitted uses, only. In the case of a retirement home, the following provisions shall apply:

- the building shall have a maximum height of six storeys;
- there shall be an amenity area within the building which will include at least one of the following:

  - Administrative Offices;
  - Chapel;
  - Library;
  - Activity and Exercise rooms;
  - Lounges;
  - Dining Room;
  - Variety Store;
  - Hairdresser.

b) In the event that the townhouses are built, the same regulations for building height (1 1/2 storeys or 9.5 metres) shall be the maximum height. No community centre shall be permitted; it is intended that the community centre for the adjacent block shall service both developments.

v) Blocks "5" and "6" - this is a modification in zoning for Block "5" and a change in zoning to "AA" (Agricultural) District modified for Block "6". The intent of these changes in zoning is to establish uniform zoning for the hospital. The following are the special requirements:

Permitted Uses

(a) a public and private hospital and accessory uses thereto;
(b) a day nursery;
(c) a public parking lot in accordance with the regulations of Section 13C of Zoning By-law No. 6593;
(d) a residential care facility for not greater than 40 persons;
(e) a sanatorium;
(f) medical offices.

Intensity of Use

(a) for buildings within 30.0 metres of a Residential District as specified in Clause 2(2)A of Zoning By-law No. 6593, the maximum building height shall not exceed three storeys;

(b) for buildings located greater than 30.0 metres from a Residential District as specified in Clause 2(2)A of Zoning By-law No. 6593 the height of a

building or structure shall not exceed six storeys;

(c) Section 18.(2)(iia) of By-law No. 6593 shall not apply to Blocks "5" and "6". This Section of the By-law allows an increase in the height of hospital buildings for increases in the side yards.

With regard to the existing uses at the hospital, any uses that do not conform to the proposed By-law would become legal non-conforming uses.

The proposed By-law also places the hospital under Site Plan Control so that any new buildings, or additions to existing buildings, would require the site plan to be approved by Council.

3. The proposed Official Plan Amendment has been rewritten to address the revised secondary plan for the area. The current proposal to amend the Official Plan would replace the amendment that is before the Ontario Municipal Board.

4. In adopting this proposed set of amendments, Sanatorium Road will remain open. Council has not established capital budget funds to upgrade this road. With Sanatorium Road remaining open, the Public Works and Traffic Department will need to examine the road for reconstruction.

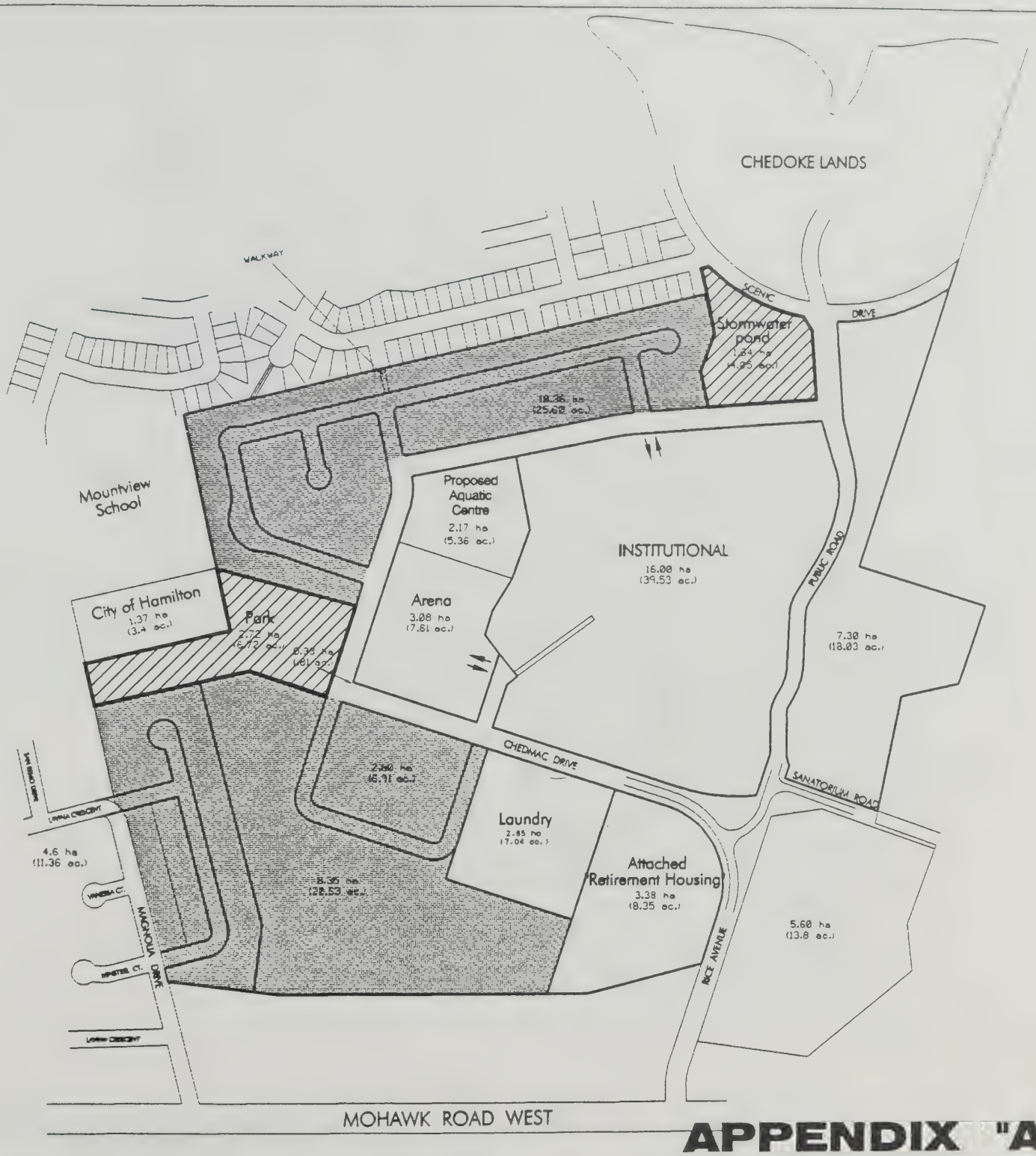
5. In approving these amendments, Council will also be requesting that the Ontario Municipal Board return the Official Plan Amendment that is currently awaiting a hearing to the Regional Municipality of Hamilton-Wentworth. This will allow the Region to approve the Official Plan Amendment without the need for a hearing.

However, if there are objections to the rezoning proposals (or the revised Official Plan Amendment), the Board will convene a pre-hearing conference fairly quickly to scope the nature of the objections. It is anticipated that any pre-hearing conference would happen fairly soon as the file has been pending at the Board for eighteen months and the Board is awaiting further instructions once the outcome of this mediation process is known.

CONCLUSION:

This report represents the consensus position of the Mountview Mediation Committee and staff of the Planning and Development Department with regard to the development of Chedoke Health Corporation's lands. Although there is not total support within the community for the proposal, there appears to be a consensus that the Compromise Solution is preferable. The Compromise Solution also represents good planning for this area. On these bases, it is recommended that Council adopt the Official Plan Amendment, Secondary Plan, Neighbourhood Plan Amendment, and changes to the Zoning By-law for the lands of Chedoke Health Corporation.

MLT/



APPENDIX "A"

Schedule 'A' - Land Use Designations

Redesignation to "RESIDENTIAL"

Redesignation to "OPEN SPACE"

MAY 1996

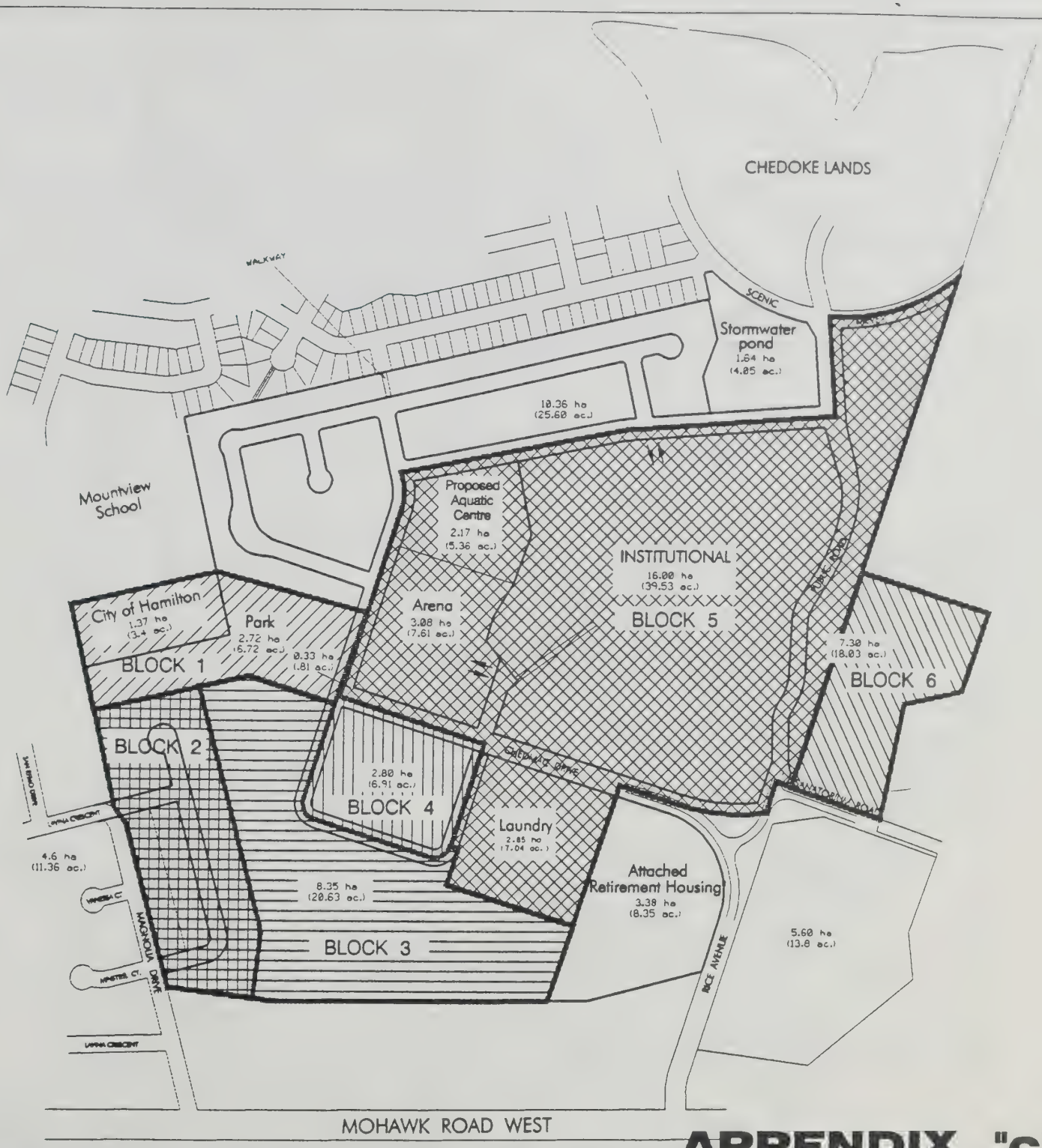


APPENDIX "B"

Schedule "J-1" - Chedmac Planning Area Secondary Plan

- BLOCK "1" Open Space
- BLOCKS "2 & 3" Low Density Residential
- BLOCK "4" Park and Recreational
- BLOCK "5" Medium Density Residential I
- BLOCK "6" Medium Density Residential II
- BLOCK "7" Institutional

MAY 1996



APPENDIX "c"

Proposed Zoning By-Law changes

BLOCK 1 — From "AA" (Agricultural) District to "A" (Conservation, Park, Recreation and Open Space) District

BLOCK 2 — From "AA" (Agricultural) District to "C" – 'H' (Urban Protected Residential, etc. – Holding) District

BLOCK 3 — From "AA" (Agricultural) District to "RT – 20" –'H' (Townhouses – Maisonette – Holding) District

BLOCK 4 — From "AA" (Agricultural) District to "DE–3" – 'H' (Multiple Dwellings – Holding) District

BLOCK 5 — Modification to the established "AA" (Agricultural) District regulations

BLOCK 6 — From "B" (Suburban Agricultural and Residential) District to "AA"(Agricultural) District, modified

MAY 1996

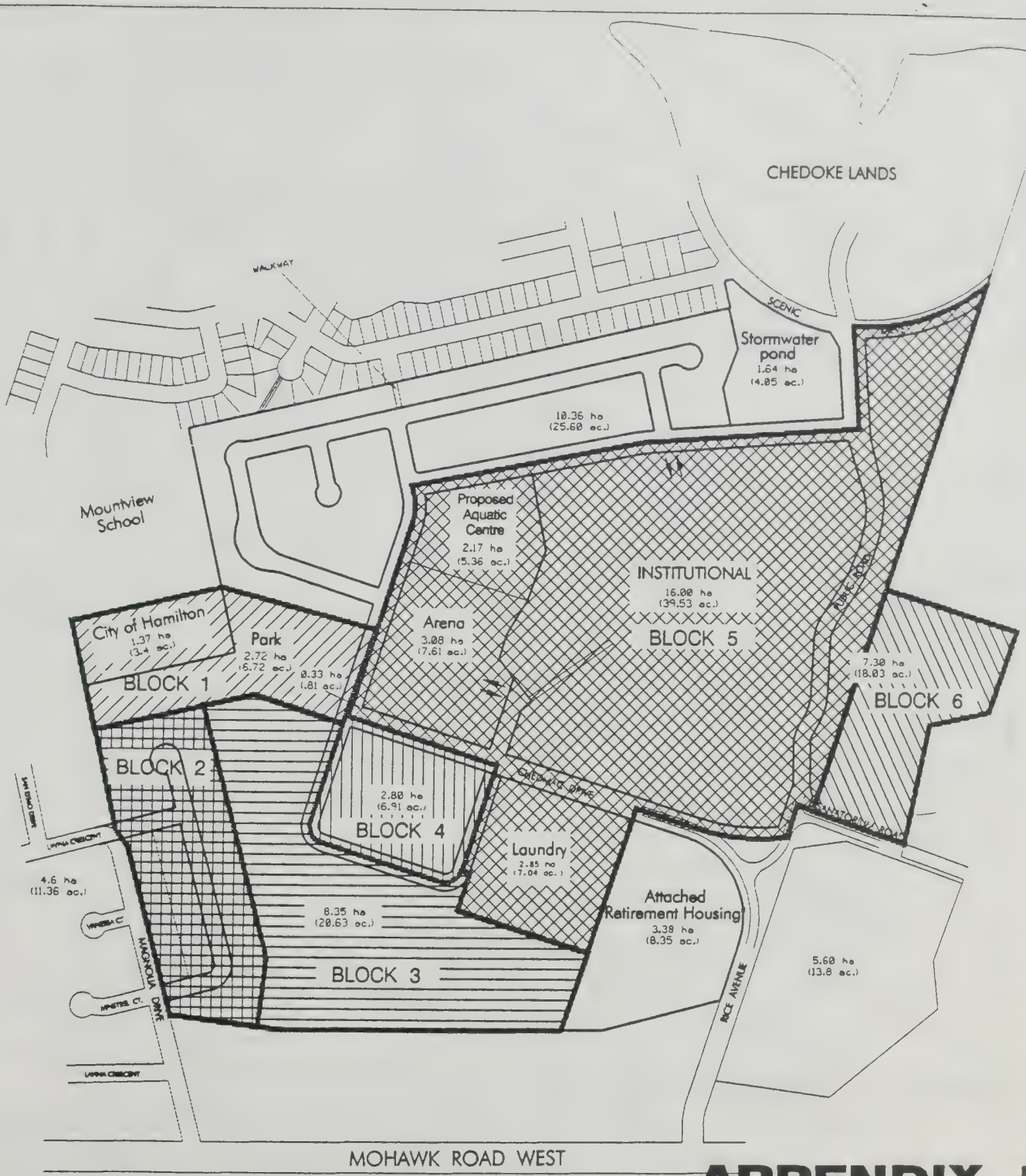


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MAY 1996



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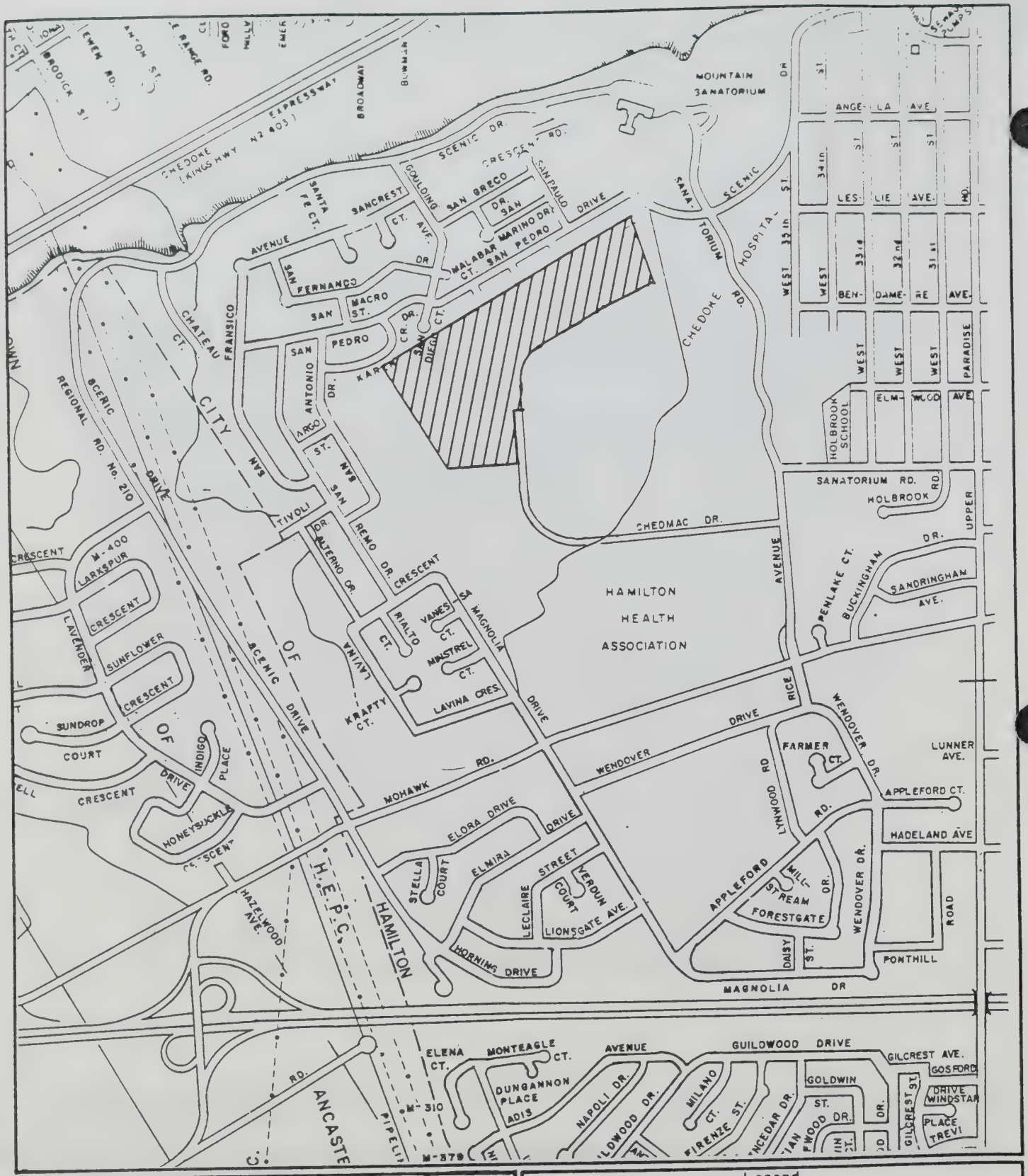
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BLOCK 5 — Modification to the established "AA" (Agricultural) District regulations

BLOCK 6 — From "B" (Suburban Agricultural and Residential) District to "AA"(Agricultural) District, modified

MAY 1996



TIFFANY

BEING A PROPOSED SUBDIVISION OF

LOTS 217 TO 224, 256 TO 263, 294 TO 301, 344 TO 351 (ALL INCLUSIVE)
PART OF LOTS 225, 226, 255 AND PART OF BEAMIS AVENUE, HENDRY AVENUE, MILLER AVENUE AND REDFERN AVENUE
(STREETS BEING CLOSED BY JUDGE'S ORDER REG'D AS INSTRUMENT No. 113955 A B)
MOUNTAIN VIEW SURVEY–REGISTERED PLAN No. 575
AND
PART OF LOTS 56 AND 57–CONCESSION 2
GEOGRAPHIC TOWNSHIP OF ANCASTER
NOW IN THE

CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N. T. S.	25T- 94004
	Date	Drawing No.
	JULY 15, 1994	

AMENDMENT NO. TO

THE CITY OF HAMILTON OFFICIAL PLAN

June 12, 1996

PART I

THE CERTIFICATION

The enacting portion attesting the official status of this document.

AMENDMENT NO. TO

THE CITY OF HAMILTON OFFICIAL PLAN

May 1, 1996

PART II

THE PREAMBLE

An introduction to the Amendment and a summary of its background and basis.

PART II - THE PREAMBLE

1. TITLE

This Amendment shall be known as:

AMENDMENT NO. ___
TO THE CITY OF HAMILTON OFFICIAL PLAN

being an amendment to the "City of Hamilton Official Plan".

2. COMPONENTS OF THIS AMENDMENT

Only that part of this document entitled "PART III - THE AMENDMENT" comprising the attached explanatory text and Schedules A and B constitute Amendment No. __ to the City of Hamilton Official Plan.

"PART I - THE CERTIFICATION", "PART II - THE PREAMBLE" and "PART IV - THE APPENDIX" do not constitute part of this Amendment.

3. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to redesignate a portion of the vacant lands surrounding Chedoke Hospital situated within the Mountview and Westcliffe West Neighbourhoods from MAJOR INSTITUTIONAL to RESIDENTIAL and OPEN SPACE and to implement the *Chedmac Planning Area Secondary Plan* for these lands. The *Chedmac Planning Area Secondary Plan* provides more detailed policies and information to facilitate the appropriate development of this planning area.

4. LOCATION OF THIS AMENDMENT

The subject lands are bounded to the north by Scenic Drive, to the south by the existing residential development abutting Mohawk Road West, to the west by Magnolia Drive, and to the east by Rice Avenue and Sanatorium Road. The subject lands represent the Chedoke McMaster hospital lands and are generally centred within the Mountview Neighbourhood while a portion of these lands are situated within the Westcliffe West Neighbourhood. These lands comprise a total area of approximately 66 hectares (163 acres).

For the purpose of this Amendment, the lands subject to this Amendment are referred to as the *Chedmac Planning Area*. Schedules A and B attached to and forming part of this Amendment identify the location of the lands affected by this Amendment and provide the specific Land Use Plan for the subject *Chedmac Planning Area*.

5. BASIS OF THIS AMENDMENT

The City of Hamilton Official Plan designates all of the *Chedmac Planning Area* as MAJOR INSTITUTIONAL. Residential uses are permitted within this MAJOR INSTITUTIONAL designation; however, the Official Plan provides no further classification of residential development. In this regard, in order to define more specific residential densities and appropriately locate these defined residential densities in the *Chedmac Planning Area*, an amendment to the Official Plan is required.

The City of Hamilton is divided geographically into *Neighbourhoods*. Neighbourhood Plans function as land use guides in the City of Hamilton. In the past, the City of Hamilton has not formally adopted these Neighbourhood Plans as Official Plan Amendments. While these Neighbourhood Plans do not maintain the planning status of a Secondary Plan, they function as Secondary Plans in that they provide more specific land use designations and policies at a neighbourhood level.

Therefore, the purpose of this Amendment is redesignate a portion of the *Chedmac Planning Area* from MAJOR INSTITUTIONAL to RESIDENTIAL and formally implement the *Chedmac Planning Area Secondary Plan* through a Secondary Plan. In addition, in order to provide for an expansion to an existing park facility, part of these lands are to be redesignated to OPEN SPACE. The Amendment serves to provide more specific and detailed development policies for the *Chedmac Planning Area*, whereby development will ultimately proceed on the basis of approved plans of subdivision and zoning by-law amendments.

This Amendment can be supported on the basis that the average population density for the Mountview Neighbourhood, including the *Chedmac Planning Area* will not exceed ninety (90) persons per gross hectare, pursuant to the Official Plan; the proposed height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area, pursuant to the Official Plan; the proposed housing types will contribute to a desirable mix of housing in the Neighbourhood; the Amendment is in compliance with the policies of the City of Hamilton Official Plan; the proposed form of development is compatible with the adjacent Neighbourhood Plan designations; and the Amendment implements the *Chedmac Planning Area Secondary Plan.*

The amendment can further be supported on the basis of the comprehensive public consultation that was undertaken with the residents of the affected neighbourhoods. Outstanding concerns identified by residents during the review of the original proposal for development resulted in Hamilton City Council's denial of the original proposal. A committee of residents, the Council representatives, the landowner, and support staff held eight committee meetings, two open houses, and three public meetings to resolve the outstanding issues. This amendment, the Chedmac Planning Area Secondary Plan, and the implementation of the Secondary Plan represent the consensus of the committee, Hamilton City Council, and the landowner (Chedoke Health Corporation).

PART III

THE AMENDMENT

The operative part of this document which amends the original Official Plan.

PART III - THE AMENDMENT

1. INTRODUCTION

The whole of this part of the document entitled "PART III - THE AMENDMENT" which consists of the following text and attached maps designated Schedules A and B, constitutes Amendment No. ___ to the City of Hamilton Official Plan.

2. OFFICIAL PLAN SCHEDULE CHANGES

(a) Schedule "A" - Land Use Concept of the City of Hamilton Official Plan is hereby amended by changing the land use designation for part of the vacant lands surrounding Chedoke Hospital generally located north of Mohawk Road West and west of Upper Paradise, and as more particularly shown on the attached Schedule "A", from MAJOR INSTITUTIONAL to RESIDENTIAL and OPEN SPACE.

(b) The City of Hamilton Official Plan is hereby amended by adding the attached Schedule B, to be incorporated at Schedule J-1 - Chedmac Planning Area Secondary Plan, to the official Plan.

3. TEXT CHANGES

The text of the City of Hamilton Official Plan is hereby amended as follows:

(a) Section D.2 - Planning Units and Neighbourhood Plans is hereby amended by adding the following policy:

"D.2.12 Where Council deems appropriate, Secondary Plans to this Official Plan may be established for planning units. Secondary Plans will be incorporated into Section A.6 of this Plan."

(b) Policy D.8.2 is hereby amended to include Schedule "J-1" in the first sentence so that the entire clause reads as follows:

"The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "B-3", "C", "D", "F", "G", "H", and "J-1" are only intended to be general and not to define the exact limits of any land use or policy".

(c) Section A - LAND USE AND MANAGEMENT STRATEGY is hereby amended by adding a new Subsection A.6 - Secondary Plans which will read as follows:

"Section A.6 - Secondary Plans

It is intended that, where appropriate, Council will adopt Secondary Plans to this Official Plan that provide specific details with respect to the type and density of development, road patterns, and servicing. The Secondary Plans are attached as Schedule "J" (and its components to this plan); specific policies are detailed in this Subsection.

6.1 Chedmac Planning Area

For those lands shown on Schedule J-1 - Chedmac Planning Area Secondary Plan, generally located north of Mohawk Road West and west of Upper Paradise, the following objectives and policies will apply.

6.1.1 *Objectives*

The following Objectives constitute the fundamental guidelines which will direct the development of the *Chedmac Planning Area:*

i) To create residential areas consisting of a range of housing types and densities to satisfy a range of housing needs;

ii) To provide a variety of housing at a range of prices including affordable residential units;

iii) To ensure future residential and institutional development considers and is sensitive to surrounding existing residential development;

iv) To integrate the residential areas with parkland in order to provide a convenient, safe and visually pleasing living environment;

v) To recognize and support Chedoke-McMaster Hospitals as a Community and Regional health facility;

vi) To establish a focus within the interior of the *Chedmac Planning Area* consisting of recreational and health service facilities;

vii) To encourage the concentration of existing and future Chedoke-McMaster health service facilities in a comprehensive "campus-like" setting;

viii) To provide sufficient lands for the future needs of Chedoke-McMaster Hospitals to satisfy the changing health needs of the Community and Region;

ix) To provide additional parkland for existing and future Mountview Neighbourhood residents;

x) To ensure an open space linkage is provided from the existing residential development to the *Chedmac Planning Area* interior focus, and from existing residential development to new residential development;

xi) To develop an efficient, practical and safe road system to accommodate the movement of people within the *Chedmac Planning Area* and the surrounding Mountview Neighbourhood;

xii) To minimize traffic through existing residential development;

xiii) To provide for the extension of Chedmac Drive as the principal collector road within the *Chedmac Planning Area* including the redesign of the pertinent intersections;

xiv) To minimize through traffic through the Chedoke-McMaster Hospital lands;

xv) To ensure that no direct road access (either private or public) is permitted to Magnolia Drive from Chedmac Drive;

xvi) To ensure that Miller Avenue and Beamis Avenue are not extended into the *Chedmac Planning Area*;

xvii) To provide sufficient off-street parking facilities for multiple family development; and,

xviii) To provide Chedoke-McMaster Hospitals and new development with adequate full municipal services including sanitary sewers, watermains, stormwater drainage facilities and utilities, in a coordinated, comprehensive and environmentally sound manner.

6.1.2 *Policies*

i) *Residential*

The majority of the vacant lands within the *Chedmac Planning Area* will be developed for low and medium density residential purposes. Lands designated RESIDENTIAL within the *Chedmac Planning Area* will be developed in accordance with the attached Schedule J-1 - Chedmac Planning Area Secondary Plan, Subsection A.2.1 - Residential Uses and Subsection C.7 - Residential Environment and Housing Policy of this Plan, and the following specific policies:

a) The housing types and density of development will be in accordance with the following:

(1) Within each residential density designation, the zoning by-law will restrict the use of any site to the dwelling unit types permitted within that designation. Such restrictions will be implemented to preserve the character of the neighbourhood and compatibility of dwelling unit types with surrounding existing and proposed land uses.

(2) *Low Density Residential* development will consist of single detached units at a maximum gross residential density of 18 units per gross hectare (7.2 units per gross acre). Low density residential development will be located adjacent to existing low density residential development situated in the most northern portion of the *Chedmac Planning Area* and adjacent to Magnolia Drive.

(3) *Medium Density* residential development will be comprised of a variety of multiple dwelling unit types including townhouse dwellings, stacked townhouse dwellings and apartment dwelling units. The density range for medium density residential development will be 30 to 100 units per gross hectare (12 to 40 units per gross acre). Medium Density residential development will be defined as either *Medium Density I or Medium Density II*. All medium density residential development will be subject to site plan control.

(4) *Medium Density I* residential development will consist of townhouse dwelling units at a gross residential density of 30 units per gross hectare (12 units per gross acre).

(5) *Medium Density II* residential development will consist of townhouse dwelling units or a retirement home to a maximum height of 6 storeys. The maximum density permitted will be 60 units per gross hectare (24 units per gross acre).

ii) The lands designated *Low Density Residential* abutting existing residential development at the northern limit of *Chedmac Planning Area* will not exceed a maximum density of 14 units per gross hectare (5.5 units per gross acre). The minimum lot frontage for these lands will not be less than 15 metres. It is intended that no direct vehicular access from these lands to the abutting residential development fronting San Pedro Drive will be provided.

iii) Residential development will be located to ensure a gradation of residential densities.

iv) Residential development adjacent to existing MAJOR INSTITUTIONAL facilities may be subject to a noise study.

b) *Major Institutional*

It is intended that Chedoke-McMaster Hospitals be recognized as a valuable Community and Regional health facility. In accordance with the attached Schedule J-1 - Chedmac Planning Area Secondary Plan, Subsection A.2.6 - Major Institutional Uses of this Plan and the following policies:

i) New major institutional health related facilities will be designed to facilitate a comprehensive campus-like setting.

ii) New major institutional recreational facilities will be designed in a comprehensive manner with existing recreational facilities.

iii) The development of any new institutional facilities associated with Chedoke-McMaster Hospitals will be designed to mitigate any negative impact on adjacent residential development.

c) *Parkland*

i) The existing municipal parklands adjacent to the *Chedmac Planning Area* situated within the Mountview Neighbourhood will be expanded to include the lands designated Parkland on the attached Schedule J-1 - Chedmac Planning Area Secondary Plan, to satisfy the parklands needs of the *Chedmac Planning Area* and the Mountview Neighbourhood.

ii) The expanded parkland will provide an open space linkage from the existing neighbourhood to the recreational facilities located within the *Chedmac Planning Area*.

d) *Transportation*

It is intended that a safe and efficient road network be established in the *Chedmac Planning Area* in accordance with the attached Schedule J-1 - Chedmac Planning Area Secondary Plan, Subsection B.3 - CIRCULATION AND MOVEMENT SYSTEM of this Plan and the following policies:

i) The public road system will provide an efficient, practical and safe pattern to accommodate the movement of people within the *Chedmac Planning Area*.

ii) It is intended that the design of the internal public road system in the *Chedmac Planning Area*, as shown on the attached Schedule J-1 - Chedmac Planning Area Secondary Plan will be used as a guideline, and as such, some flexibility regarding the final alignment of the internal public roads is permitted.

iii) It is intended that Chedmac Drive be established as the collector road to access existing and new development within the *Chedmac Planning Area*.

iv) It is intended that Chedmac Drive will function as a road around those lands designated MAJOR INSTITUTIONAL connecting Rice Avenue to Scenic Drive and facilitating the function and operation of the Chedoke-McMaster Hospitals as a separate and distinct facility.

v) It is intended that Rice Avenue and Chedmac Drive will be designed to provide a more efficient and desirable transportation system, pursuant to Schedule J-1 - Chedmac Planning Area Secondary Plan.

vi) No direct vehicular access will be permitted from block townhouse/retirement home development to Chedmac Drive. Access will be provided via a local road as shown on Schedule J-1 - Chedmac Planning Area Secondary Plan.

vii) The intersections of Rice Avenue and Chedmac Drive, and Chedmac Drive and Sanatorium Road will be redesigned to provide a more efficient and safe access to Chedmac Drive.

viii) No direct road access from Chedmac Drive to Magnolia Drive will be permitted.

ix) The extension of Miller Avenue and Beamis Avenue through to the *Chedmac Planning Area* will not be permitted.

x) Development may be subject to traffic studies, as required.

e) *Engineering Services*

Engineering Services within the *Chedmac Planning Area* will be provided in accordance with Subsection B.2 - ENGINEERING SERVICES of this Plan and the following specific policies:

i) Design for stormwater management will ensure that the stability of the Escarpment Brow and Escarpment slopes and the quality and quantity of Escarpment streams and water supplies are not endangered.

ii) Stormwater detention ponds will be designed as off-stream devices, to operate under major storm conditions as part of a stormwater management plan. The stormwater management plan will include remedial works to stabilize the existing radial right-of-way culvert.

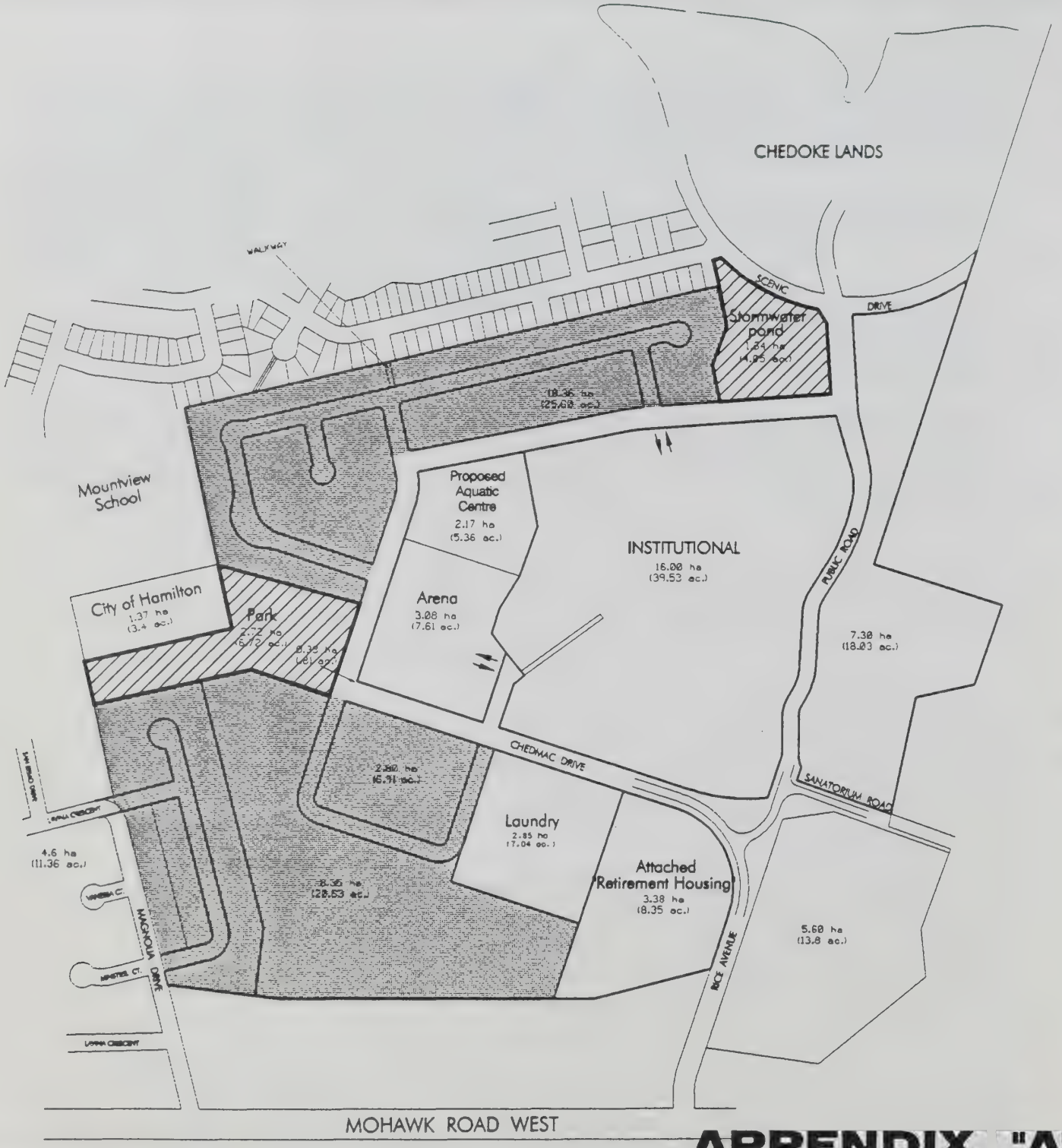
iii) Development within the *Chedmac Planning Area* will not proceed until such time as an overall stormwater management report has been prepared to the satisfaction of the appropriate agencies.

iv) A storm water detention pond will be established in the *Chedmac Planning Area* in accordance with the attached Schedule J-1 - Chedmac Planning Area Secondary Plan. Lands required for the storm water detention pond will be dedicated to the City of Hamilton by the developer."

Notwithstanding Subsection A.2.1, the area west of the Stormwater Detention Pond as shown on Schedule "J-1", approximately one hectare in size, will only be used for residential purposes in accordance with Policy A.6.1.2i)a)ii) upon being deemed, by the Regional Municipality of Hamilton-Wentworth, not necessary for inclusion within the Stormwater Detention Pond.

4. IMPLEMENTATION

This Amendment will be implemented by the *Chedmac Planning Area Secondary Plan* and an amendment to the Mountview Neighbourhood Plan. This Amendment will be further implemented through the City's Comprehensive Zoning By-law No. 6593, subdivision control and site plan control.



APPENDIX "A"

Schedule 'A' - Land Use Designations

Redesignation to "RESIDENTIAL"

Redesignation to "OPEN SPACE"

MAY 1996



APPENDIX "B"

Schedule "J-1" - Chedmac Planning Area Secondary Plan

- BLOCK "1" Open Space
- BLOCKS "2 & 3" Low Density Residential
- BLOCK "4" Park and Recreational
- BLOCK "5" Medium Density Residential I
- BLOCK "6" Medium Density Residential II
- BLOCK "7" Institutional

MAY 1996

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 11
CI-96-F

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: City Initiative - Residential Development Requirements in the "I" (Central Business District, etc.) District.

RECOMMENDATION:

That approval be given to City Initiative 96-F respecting the elimination of the density requirement (ie. min. 65 m^2 of lot area/unit) for multiple dwellings in the "I" District, on the following basis:

(i) That the "I" (Central Business District, etc.) District regulations as contained in Section 15 of Zoning By-law No. 6593, be amended as follows:

(1) That Section 15.(4)(iii) be amended by deleting the words "or of at least 65.0 square metres (699.68 square feet) per dwelling unit, whichever is the greater, and" in the third, fourth and fifth lines thereof;

(2) That Section 15.(5) be renumbered as Section 15.(5a); and,

(3) That a new Section 15.(5b) be added as follows:

"15.(5b) Notwithstanding subsection (5a), for multiple dwellings the maximum gross floor area shall not be more than 2.85 times the area of the lot."

(ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- **Mayor's Task Force on Downtown Issues and Renewal**

  Given the concern over the condition of the downtown and Regional centre, the Mayor and the Downtown Task Force developed 29 initiatives aimed at revitalizing the area. At its meeting of April 6, 1994, the Planning and Development Committee approved the initiatives, including the following:

  "2. That residential complexes be encouraged in all parts of the CBD - including upscale projects east of James."

  The boundaries for the study are highlighted on APPENDIX "A".

- GHDCDC

  The Founding Board of the Greater Hamilton Downtown Community Development Corporation (GHDCDC) was created to establish downtown Hamilton as the economic, social and institutional centre of the Region.

  With respect to residential development, the Goals and Objectives of the GHDCDC include the following:

  "3. Assist and encourage investment and development in the downtown through actions such as:

  - **encourage new residential development in the downtown;..."**

  The focus area for the Community Development Corporation is shown on APPENDIX "B".

- **Planning Documents That Affect The Downtown**

Official Plan

The following policies are directly applicable to the above stated initiatives:

A.2.8.1 To promote the CENTRAL POLICY AREA as a multi use node for both the City and the region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary permitted uses in the CENTRAL POLICY AREA..., will be for the following reasons:

i) **...mixed commercial residential uses,...**

ii) **Residential uses of various housing types,** including but not limited to, single-family detached, semi detached, townhouses and apartments,...

In addition, the CBD is located within Special Policy Area 3

2.9.3.1 **The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown.** Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsection A.2.1 and C.7, and Policy A.2.8.2(ii);

i) It is the intent of Council to **strengthen the Residential function of this AREA** to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;

v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;

vii) Council will encourage high-density Residential developments or redevelopments within the Central Policy Area and Commercial areas of SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2.;

xii) To enhance the quality of a high density Residential and Commercial/Residential development, Council may, where deemed appropriate, permit additional Residential density, where the proponent provides landscaped areas in axcess of the Zoning By-law provisions, in accordance with Subsection D.3 of the Plan.

Zoning By-law

Uses

The "I" District permits residential development of all types with restrictions. Apartment buildings would be the most likely to occur in the downtown area; the number of units is restricted by the lot size, since there is a minimum lot area requirement of 450 m^2 or 65 m^2 of lot area per unit, whichever is greater. For the most part, the second requirement would be applicable.

This equates to a density of approximately **62 units/acre,** whereas other types of development within the "I" District (e.g. commercial) are permitted with a base gross floor area ratio (g.f.a.) of 11x times lot area (**479,160 sq.ft.** of floor area/acre) or the equivalent of approximately **532 units/acre.**

Effectively, the minimum lot area requirement of 65 m^2/unit is the equivalent of a Medium Density Apartments designation (ie. "E-2" District - 1.19 g.f.a.). Comparatively, the "I" District is surrounded by a band of "E-3" High Density Apartment zoning (see APPENDIX "C") which permits approximately 2x the residential density of the "I" District (2.55 g.f.a. vs. 1.19). Similarly, the "CR-3" (Commercial - Residential) District permits the residential portion of a joint residential/commercial use to have a maximum g.f.a. of 2.85, dependent on lot size.

Theoretically, the highest residential densities should be permitted in the CBD, not on its periphery. In this regard, several sites have been the subject of zoning modifications/minor variances in order to permit higher density residential development, including the following:

- 34-43 Catharine Street South

  An application was made to the Committee of Adjustment so as to permit a proposed 19 storey twin tower residential and mixed use development to have, among others, the following variance:

  - there will be 424 dwelling units with a lot area ratio of **12.46 sq.m.** per unit instead of **65.0 sq.m.** per unit.

- 135-139 Hunter Street East

  An application was made to the Committee of Adjustment so as to permit a propose multi-storey commercial and penthouse development to have, among others, the following variance:

- **127** dwelling units will be provided instead of the maximum permitted number of **46** (23.55 sq.m. of lot area/unit vs. 65.0 sq.m.).

• Century 21

By-law No. 71-110 was passed by City Council on April 27, 1971, so as to permit the development of a proposed 42 storey, mixed commercial-residential building with a maximum of 330 dwelling units.

Effectively, the by-law amended the "I" District provisions so as to reduce the minimum floor area requirement of **65.0 sq.m.** per unit to **11.63 sq.m.** per unit.

• Parking

For multiple dwellings, the parking requirement within Area "A" is 0.8 space per Class "A" dwelling unit and 1 space per Class "A" dwelling unit within Area "B" to the Zoning By-law (see APPENDIX "D").

• Density Survey

A survey of five (5), cities in Ontario was undertaken to compare allowable residential densities in their CBD's with the City of Hamilton. As illustrated by the following table, the densities are significantly higher than those permitted in Hamilton. Three (3) of the five (5) municipalities regulate density by units/acre rather than by g.f.a. Accordingly, g.f.a. equivalents based on our neighbourhood planning design standards have been approximated. Furthermore, it should be noted that each municipality has advised that their permitted densities are exceeded on a site specific basis.

CITY	DENSITY
Etobicoke	2.5 f.s.i.
Hamilton	$65m^2$/u (approx. 1.19 g.f.a.)
London	250 - 410 u/ha (approx. 2.0 - 3.4 g.f.a)
Mississauga	215 - 650 u/ha (approx. 1.8 - 5.4 g.f.a.)
North York	1.0 - 5.2 g.f.a.
Toronto	6.0 - 11.7 g.f.a.

RESULTS OF CIRCULARIZATION:

- The Building Department has advised they have no comment.

- The Traffic Division of the Department of Public Works and Traffic has advised they have no concerns.

- The Development Division of the Regional Environment Department has advised as follows:

"Water Distribution System

The area is currently serviced for water from existing watermains located on most of the existing streets in the area. The age of the waterworks infrastructure ranges from essentially new to the original installations. As with other areas of the City and Region the distribution system in the Beasley Neighbourhood is included as part of an ongoing Capital Works program of refurbishment, replacement and upgrading through the Regional Capital Budget. As such, a number of watermains have been replaced or refurbished in recent years and others are programmed for works in upcoming years of the Capital Budget.

The capacity of the waterworks system to support redevelopment proposals will have to be assessed on a case by case basis once more specifics are available. It is likely, given the age of components of the system, that further Capital Works, beyond those currently programmed, will be required in some locations to support the contemplated land uses. Once identified, required works will have to be proposed as part of the Capital Budget to be approved by Regional Council and will be assigned a priority in accordance with the Region's Priority Rating System.

Storm and Sanitary Sewer System

There are public storm and sanitary sewers available within the Beasley Neighbourhood. Most of the existing system consists of combined sewers which may not be adequate for required present day standards, i.e. lack of capacity in the system or deterioration of the pipes.

Presently, the existing infrastructure is being upgraded in co-ordination with the City of Hamilton reconstruction program. However, the sewer system will have to be assessed at the proposed redevelopment locations at the time of the planning application submissions.

The Transportation Department advises that they have no comments with respect to this proposal."

COMMENT:

Over the las several years the CBD has experienced an economic decline, as evidenced by the number of vacancies and building demolitions, particularly along the King Street and James Street corridors.

In response, the GHDCD and the Mayor's Task Force on Downtown Issues and Renewal have developed initiatives aimed at revitalizing the area. One common objective is to **encourage residential development.**

In this regard, City Council recently approved a City Initiative (CI-96-B) to eliminate the parking requirement for the residential conversion of existing buildings in the CBD. By-law No. 96-034 came into effect on April 9, 1996.

With respect to new residential development in the "I" (Central Business District, etc.) District, it would be appropriate to eliminate the minimum lot area requirement of 65m^2/unit, and to allow new residential development and the residential component of mixed commercial/residential buildings with a maximum 2.85 g.f.a. This initiative is supported by the following factors:

- **Planning Policies**

  The thrust of current planning policy is to **"strengthen the residential function of this AREA"** (Official Plan Policy 2.9.3.1 i)), and to actively encourage residential development **"through actions taken by Council which may include special incentives"** (Central Area Policy 4.1.7).

- **Location**

  The boundaries of the "I" District generally fall within those of the focus area for the Community Development Corporation (see APPENDIX "A"), and the study area for the Mayor's Task Force on Downtown Issues and Renewal (see APPENDIX "B").

- **Sustainable Development**

  With respect to **Our Communities** (ie. land use), the goals of Vision 2020 include:

  - **To encourage only that development which makes efficient, and economical use of infrastructure and services.**

  - **To encourage redevelopment of Hamilton's central core as the regional centre.**

  - **To reduce community distances.**

- **Built Form**

  Under the "I" District regulations, a base g.f.a. ratio of 11x the lot area and a building height of 37m (121 feet) are permitted. However, residential density is restricted by a minimum lot area requirement of 65 m^2/unit, which is the

equivalent of appr imately a 1.2 g.f.a. or about one tenth that permitted for other development (e.g mmercial).

Comparatively, the "CR-3" District permits a base g.f.a. of 8.0x the lot area, of which the residential portion of a joint residential/commercial use is permitted up to a maximum 2.85 g.f.a., dependent on lot size.

Approval of the proposed initiative would allow for increased residential use within allowable built form, and may provide an economic incentive for development interest in the CBD.

This report has been prepared in consultation with the Building Department, Regional Environment Department (Development Division), and the Traffic Division. In regard to the comments from the Regional Environment Department respecting potential servicing constraints, it is recognized that the as-of-right development potential under existing zoning could impact the systems. Furthermore, their comments were prefaced on the potential of allowing 11x g.f.a. for residential development, which has been reduced to 2.85x g.f.a.

Based on past trends and projections, it is not anticipated that there will be a significant amount of new residential development. Accordingly, existing capacities should suffice. In addition, development activity will be monitored on an ongoing basis in order to assess its impact on the systems. Any proposals to exceed the proposed 2.85x g.f.a. would be evaluated on a site specific basis.

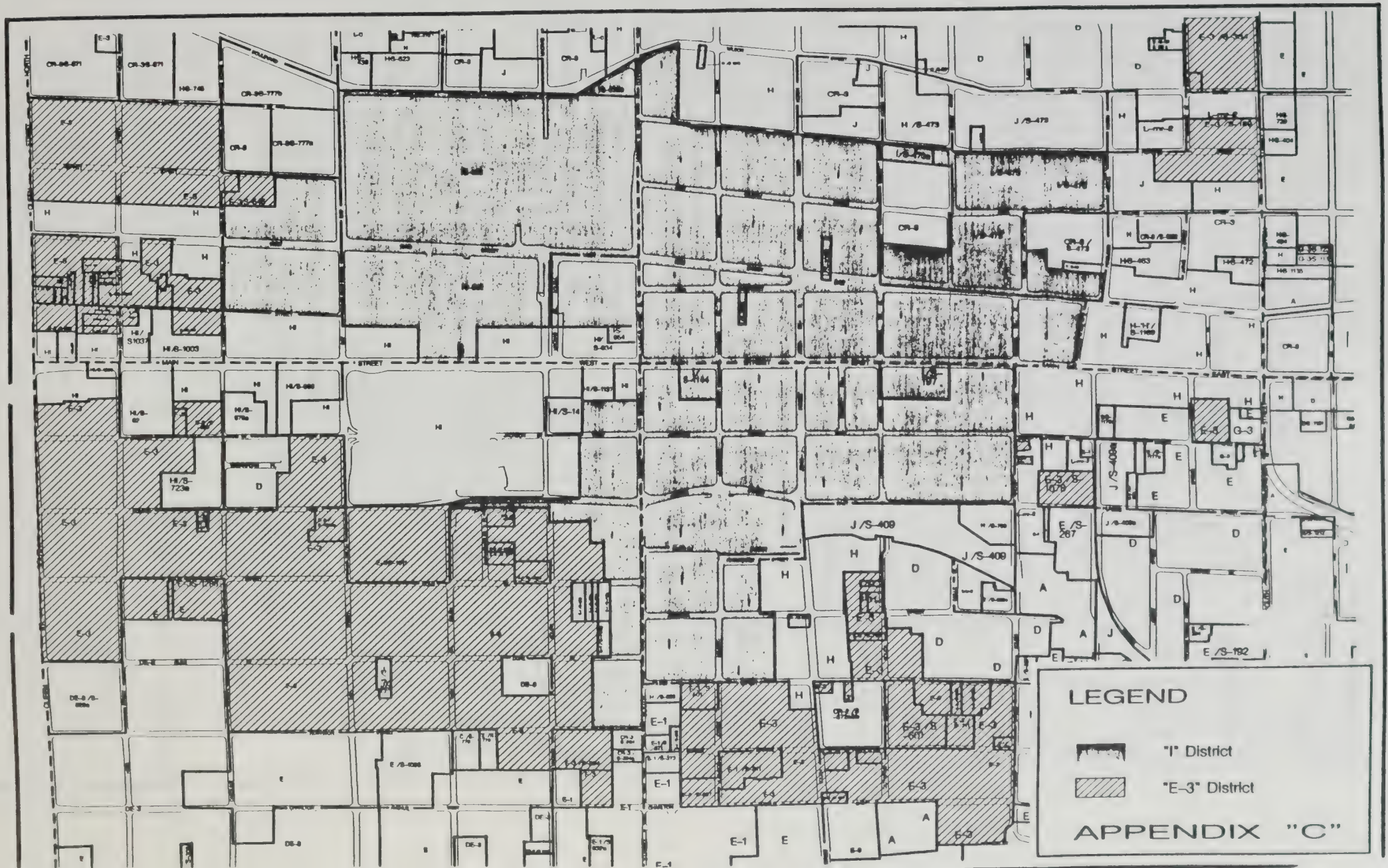
CONCLUSION:

On the basis of the foregoing, it would be appropriate to amend Zoning By-law No. 6593 to **strengthen the residential function** of the CBD, by eliminating the minimum lot area requirement for residential units in the "I" District (ie. min. 65m^2/unit), and allowing residential development with a maximum 2.85 g.f.a.

APPENDIX 'A'
STUDY AREA
NTS
CNR
MURRAY ST EAST
HUGHSON STREET NORTH
SEVEN STREETS
CANNON STREET
WILSON STREET
PRINCESS STREET
KING WILLIAM STREET
HUNTER STREET
QUEEN STREET
WELLINGTON STREET NORTH

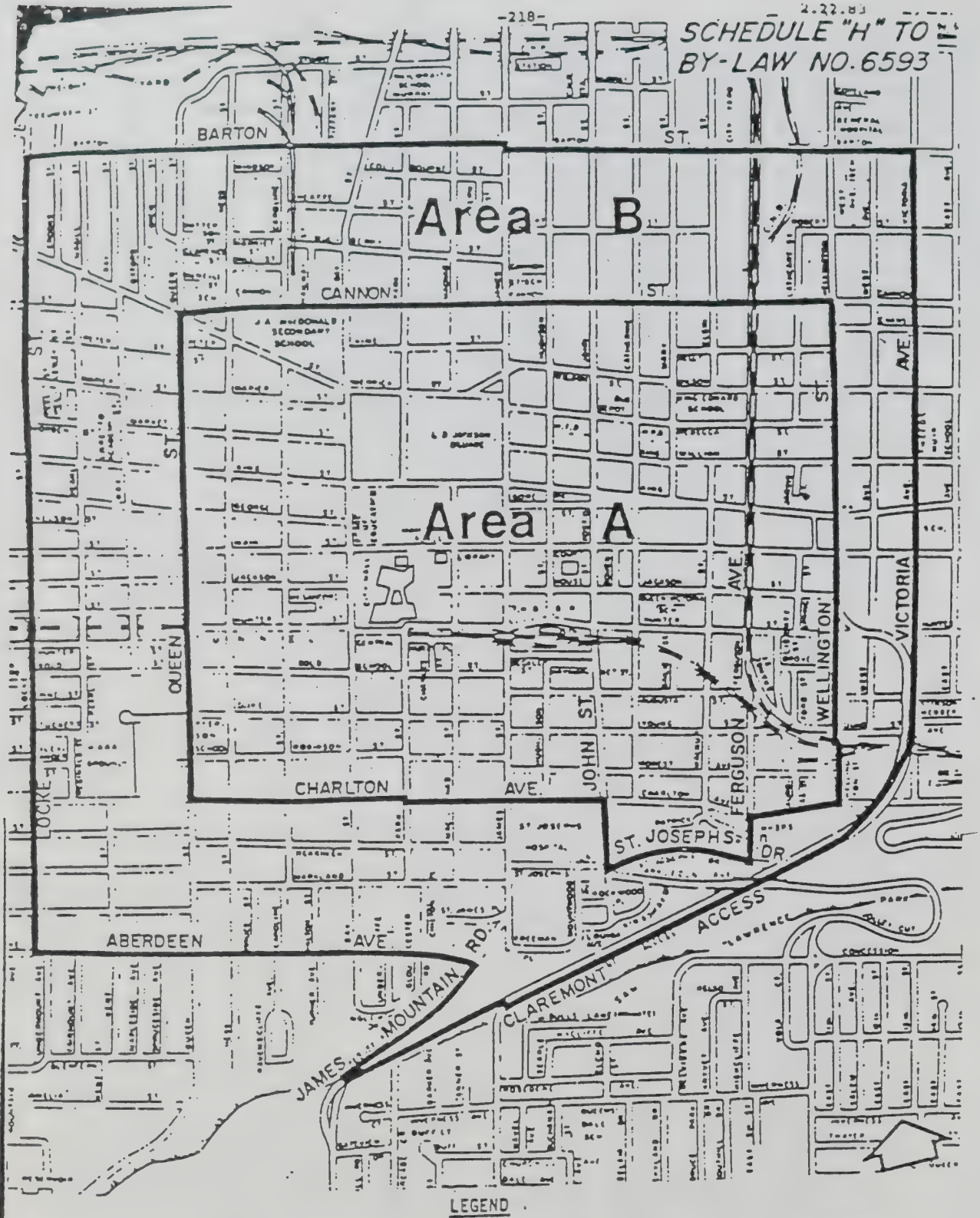
APPENDIX B

COMMUNITY DEVELOPMENT CORPORATION FOCUS AREA


LEGEND
"I" District
"E-3" District
APPENDIX "C"

2.22.83

SCHEDULE "H" TO BY-LAW NO. 6593



LEGEND

Delineates boundary of those areas in which parking requirements for Multiple Residential uses are reduced.

Bill No. 8-33

This is Schedule "A" to By-law No. 83-66 passed the 22nd day of February, 1983.

THE CORPORATION OF THE CITY OF HAMILTON

City Clerk

Mayor

APPENDIX D

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 13
CI-96-E

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Overbuilding Study - Westdale North and Westdale South Neighbourhoods ("Monster Homes")

RECOMMENDATION:

1. That approval be given to City Initiative 96-E for a modification to Zoning By-law No. 6593 for the Westdale South Neighbourhood, as shown on the attached map marked as APPENDIX "A", to regulate the size and bulk of dwellings in the "C" (Urban Protected Residential, etc.) District, "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, "G" (Neighbourhood Shopping Centre, etc.) District and "H" (Community Shopping and Commercial, etc.) District on the following basis:

   (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

      (i) That the total gross floor area of all dwelling units or parts thereof on each lot shall not exceed 0.45 times the lot area;

      (ii) Notwithstanding Section 2.(2)J.(viiia) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

         a) an attached garage;
         b) a detached garage; and,
         c) the floor occupied by heating, air conditioning and laundry equipment;

(iii) For the purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;

(iv) In addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade;

(v) That notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height; and,

(vi) That Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the Westdale South Neighbourhood;

(b) That notwithstanding Section 10.(1)(i) of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 9 and Section 1.(a) of this by-law;

(c) That notwithstanding Section 11.(1)(i) of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 9 and Section 1.(a) of this by-law;

(d) That notwithstanding Section 13.(1)(i) of Zoning By-law 6593, a single family dwelling is permitted subject to the provisions of Section 9, and Section 1.(a) of this by-law;

(e) That in addition to the requirements of Section 14 of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;

(f) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Maps W-22, W-23, W-32, W-33, W-39 and W-40 be notated S - ;

(g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-22, W-23, W-32, W-33, W-39 and W-40 for presentation to City Council; and,

(h) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification in zoning to the "C" (Urban Protected Residential, etc.) District for the Westdale South Neighbourhood, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to regulate the height, bulk and size of single detached dwellings to ensure compatibility with the existing housing stock. As such, the By-law will:

- establish a maximum building size based on gross floor area equal to 45% of the area of the lot whereas there is no maximum floor area regulation in the "C" District;

- define "Gross Floor Area" as being the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

    a) an attached garage;
    b) a detached garage; and,
    c) the floor occupied by heating, air conditioning and laundry equipment;

- for the purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;

- in addition to the requirements of Section 18A, require that where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade;

- establish a maximum building height of 2 storeys and 9.0 metres, whereas the zoning by-law currently permits a maximum height of 2½ storeys for buildings and 11.0 metres for structures;

- exempt the Westdale South Neighbourhood from Section 18(2)(i) of Zoning By-law No. 6593 which permits 3 storey dwellings subject to increased side and rear yard setbacks;

- apply the above regulations for single detached dwellings to the "D" District, "E" District, "G" District and "H" District.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Planning and Development Committee Meeting, April 8, 1996

Planning and Development Committee, at its meeting of April 8, 1996, directed Planning and Development Department staff to prepare a report and schedule a Public Meeting on overbuilding within the Westdale North and Westdale South Neighbourhoods.

Given the pattern of development activity that has occurred in the adjacent Ainslie Wood Neighbourhoods, the Committee was concerned that the Westdale North and Westdale South Neighbourhoods would be subject to overbuilding activity. This would result in the demolition of existing dwellings and the construction of new dwellings, which due to the height, mass and bulk, would be incompatible with the surrounding neighbourhood.

Notice of the public meeting was published in the Spectator on June 1, 1996. The notice contained an error on the key map. The western boundary of the Westdale North Neighbourhood study area was inadvertently labelled as Paradise Road. The correct boundary is Parkside Drive and Parkview Drive. As a result, a seperate public meeting for the Westdale North Neighbourhood has been scheduled for July 3, 1996 and notice of the public meeting is to be published in the Spectator on June 15, 1996.

In preparing this report, the study area included both the Westdale North and Westdale South Neighbourhoods. As such, the analysis of development activity and the built form includes both neighbourhoods. However, any recommended changes to the Zoning By-law will be limited to the Westdale South Neighbourhood.

City of Hamilton Zoning By-law Nos. 95-02 and 95-033

In December, 1995 and January, 1996, City Council enacted special zoning provisions for the Ainslie Wood Neighbourhoods to regulate the height, bulk and size of single detached dwellings to ensure compatibility with the existing housing stock. By-law Nos. 95-02 and 95-033 modified the "C" District regulations as follows:

- building height is restricted to a maximum of 2 storeys and 9.0 metres;
- established a maximum building size based on gross floor area equal to 45% of the area of the lot within the district; and,
- defines gross floor area as being the aggregate of the areas of the building or structure, including the basement and/or cellar, but excludes an attached garage, a detached garage, the floor area occupied by heating, air conditioning and laundry equipment.

In addition, the By-laws regulate "void areas" within a dwelling in that for any portion of the dwelling where the ceiling height exceeds 4.6 metres, then the gross floor area for that portion of the dwelling is multiplied by a factor of 1.9.

OMB Hearing

By-law Nos. 95-02 and 95-033 were appealed to the Ontario Municipal Board (OMB). The OMB dismissed a motion for adjournment of the hearing before breaking for lunch. Upon resumption of the hearing following the lunch break, the appeals were dismissed as none of the appellants returned to the proceedings. However, the City has been served with a motion for leave to appeal to the Divisional Court from the decision of the Ontario Municipal Board in which the OMB dismissed the appeals brought by Mark Cole and Eamonn McEnaney.

"Monster Homes"

In those incidents where new residential construction is not compatible with the size, height and scale of the surrounding residential dwellings, the new dwellings are labelled as being "monster homes". It is noted that:

> *"... it is difficult to be precise about defining a "monster home". Size is only one aspect for the unflattering name: other complaints include: 'overshadowing of adjacent gardens, overlooking and loss of privacy, blockage of views, loss of trees and landscaping, and designs that are inconsistent with 'the character of the neighbourhood'"*
>
> *(Sewell, Houses and Homes for Canadians, pg. 79)*

The demolition and replacement of the existing housing stock with "monster homes" can have a destabilizing effect on the character of a neighbourhood. It is noted that:

> *"Monster homes invoke all the sentiments about stable residential neighbourhoods. Residents demand various kinds of zoning controls over physical characteristics of the structure:*
>
> - *height of the building;*

- *eave height;*
- *set-backs from the front and side lot lines;*
- *maximum length of the new house;*
- *a reduction in permissible floor space index (fsi).*

Often the regulation ensures that the only new houses that can be built are ones that mimic the characteristics of those already there. There appear to be no negative effects from these new controls on property values."

(Sewell, Houses and Homes for Canadians, pg. 79)

Construction Activity - Ainslie Wood Neighbourhoods

Construction activity in the Ainslie Wood Neighbourhoods raised neighbourhood concerns regarding demolition, replacement and renovation activity. Development activity fell into two categories:

i) where 1 property was comprised of two lots of record, the existing dwelling was being replaced with two large single detached dwellings (see APPENDIX B); or,

ii) additions were being built onto existing dwellings that have the effect of doubling or tripling the size of the original dwelling (see APPENDIX C).

Within the Ainslie Wood Neighbourhoods single detached dwellings were being built in excess of 320 metres^2 (3,500 feet^2). In two incidents, a building permit was denied by the Building Department because the proposed dwellings were considered to be lodging houses (ie 22 rooms in one dwelling and an undeterminable number of rooms in the second dwelling). Lodging houses are not a permitted use within the "C" (Urban Protected Residential, etc.) District. In each case the proponent revised the building permit applications to include rooms described as an office, workshop, den, recreation room, dark room and studio and/or gallery in addition to multiple bedrooms and bathrooms. As the revised building permit applications complied with the regulations of the zoning by-law, building permits were issued because the new dwellings were being constructed in accordance with the regulations of the Zoning By-law.

To date, there have been three Ontario Municipal Board hearings regarding Committee of Adjustment applications for relief from the maximum permitted gross floor area provisions of the Ainslie Wood By-laws (2 applications were denied by the Committee, the third was approved). The appeals of the Committee's decision were dismissed by the OMB. The Board, in a decision regarding 73 Holmes Ave. noted that:

"The residents of Ainslie Wood and their elected representatives has looked at the changes that have been taking place in their neighbourhood and have not liked what they have seen. They appreciate the character of their neighbourhood as it has been established over the years and have, collectively, decided to put measures in place to protect the character before it is irretrievably lost."

(Ontario Municipal Board Decision dated March 28, 1996.)

Residential Intensification

The Official Plan, where appropriate, encourages residential intensification. However, overbuilding is not intensification. This is because one house is demolished to make way for a larger house, with no net gain in dwelling units. The only change is that the new unit is much larger than the size of the original dwelling.

Background research undertaken by the Province on intensification, such as the *Neighbours* report, provide direction on the implications of an over-concentration of intensification activity. The *Neighbours* report noted that:

> *"Only a small amount of intensification can be anticipated by home owners in older working class stable neighbourhoods. These neighbourhoods are somewhat vulnerable to conversions undertaken by absentee landlords. This is particularly true when the demand for small-scale cheap rental housing is very high. Then conversions can occur to meet and exploit this demand by squeezing as many people into a cheaply converted house. Similar developments have occurred in Kingston close to the University.*
>
> *If an over-concentration of conversions is allowed to occur, it can bring the neighbourhood to the point where its character and social stability is threatened by the influx of large numbers of people with whom there may be lifestyle conflicts. This can substantially destroy the stability of a neighbourhood and result in the lowering of property values. These neighbourhoods are therefore the most sensitive to a relaxation of land use regulations controlling conversions. These neighbourhoods are ripe for cheap speculative conversions or an over-concentration of conversions."*
>
> (Neighbours, Ministry of Housing, 1987, pg. 65)

Prior to the enactment of Bill 120, the City of Hamilton had adopted the recommendations of the Residential Intensification study and a series of implementing zoning by-law amendments. These changes were developed by Planning and Development Department and Building Department staff to reflect circumstances in Hamilton for the provision of residential intensification opportunities. These recommendations were implemented through a series of zoning by-law amendments. Bill 120 superseded the City's zoning regulations in that accessory units were permitted as-of-right in any residential zone which permitted single detached, semi-detached or row house units.

With the repeal of Bill 120, the conversion of dwellings to create accessory units reverts back to the existing requirements in the City of Hamilton Zoning By-law.

Under the provisions of Section 19 of the Zoning By-law, within the "C" District and "D" District, an existing single detached dwelling can be converted to contain 2 dwelling units subject to the following requirements:

- minimum lot area of 270 m^2 (2,906 sq.ft.);
- each unit must:
  - (i) have a minimum size of 65m^2 (699.7 sq.ft)
  - (ii) have a minimum clear height of 2.1m (6.9 ft); and,
- units are prohibited from being in a cellar;
- external appearance and character of dwelling shall be preserved;
- no outside stairway except for an exterior exit;
- minimum of 2 parking spaces required (1 space per unit); and,
- minimum of 50% of the front yard must be landscaped.

It is also noted that whereas under Bill 120 it was possible to build a new single detached dwelling containing two units, Section 19 of Zoning By-law No. 6593 only permits the conversion of an existing single detached dwelling.

Student Housing

The City has attempted to be proactive in providing opportunities to accommodate the demand for rental accommodation on a municipal-wide basis. These provisions apply to the neighbourhoods in the vicinity of McMaster University.

Under the existing provisions of the Zoning By-law, there are opportunities to meet the demand for short term rental accommodations. Under the provisions of the "C" District, a maximum of three lodgers are permitted as-of-right in a single family dwelling.

Alternatively, an accessory unit, in accordance with Section 19 of the Zoning By-law, is permitted in the "C" District. Given that many of the lots within the Westdale North and South Neighbourhoods exceed the minimum lot size requirement of Section 19, there are opportunities for the creation of accessory units within the existing housing stock subject to compliance with the parking, landscaping and unit size requirements of the zoning by-law. Furthermore, within the Ainslie Woods Neighbourhoods, new dwellings have been constructed which can provide short term rental accommodation.

As such, under the existing zoning and intensification provisions of the zoning by-law, the City has been proactive in providing for additional housing opportunities.

Existing Development Pattern - Westdale North and Westdale South Neighbourhoods

The development of the Westdale Neighbourhoods was facilitated by the relocation of McMaster University to Hamilton in 1923. The Westdale Neighbourhoods were laid out as a planned community, centred on the terminus of a streetcar line.

Subdivision activity in the Westdale Neighbourhoods occurred primarily in the 1920 - 1940 time period and lot sizes range from 278 m^2 - 1,395 m^2 (3,000 sq.ft. - 15,000 sq.ft.) (see APPENDIX "D".

Existing Housing Stock - Westdale North and Westdale South Neighbourhoods

A review of the 1991 Census data for the Westdale North and Westdale South Neighbourhoods indicates that the majority of the housing stock was constructed prior to 1961. In addition, there is on average 5.8 rooms per dwelling (including an average of 2.5 bedrooms per dwelling). The Census data is contained in APPENDIX "E"

Much of the single detached housing stock in the Westdale Neighbourhoods was constructed in the 1930s. The housing stock constructed can be characterized as being 2½ storey "square plan", such as the "Hamilton A-1 Plan" house. An example of the "A-1 Plan" is attached as APPENDIX "F".

A review of survey plans for existing dwellings in the Westdale North and Westdale South neighbourhoods has been undertaken. Based on the minimum yard requirements of the "C" District, the Zoning By-law permits a maximum building envelope equal to 44% of the lot area. In contrast, the existing dwellings are smaller than the maximum permitted building envelope.

On a 30.0 m deep lot (100 ft), the minimum front and rear yard requirements of the Zoning By-law presently permits a dwelling with a depth of 18.78 m (61 ft). In the Westdale North and South Neighbourhoods, 2 and 2½ storey dwellings, on average, are 11 m in length (36 ft). In addition, the dwellings occupy approximately 24% of the lot area. Bungalows are marginally larger being approximately 13.0 m (43 ft) deep.

Off-street parking is provided either in a detached garage or in a garage attached to the side of the dwelling. The provision of the required parking and driveway in the side yard occupies an area approximately 3.0 m (10 ft) wide. This results in the following:

Lot Width	Driveway/sideyard widths	Potential Dwelling Width
9.14 m (30 ft)	3.048 (10 ft)	6.10 m (20 ft)
12.20 m (40 ft)	3.048 (10 ft)	9.14 m (30 ft)
15.24 m (50 ft)	3.048 (10 ft)	12.20 m (40 ft)

As such, on a 9 m lot (30 ft), the dwelling could be 6 m wide (20 ft).

Based on site visits to the Westdale South Neighbourhood, the existing housing stock is predominantly comprised of 2½ storey dwellings. Within the Westdale North Neighbourhood, the majority of the dwellings are 2 storeys in height.

CURRENT ZONING REGULATIONS:

The majority of the residential areas within the Westdale North and Westdale South Neighbourhoods are zoned "C" (Urban Protected Residential, etc.) District. The "C" District regulations are contained in APPENDIX "G".

"C" District

On a 12.0 m x 30.0 m lot (40 ft x 100 ft), the "C" District regulations provide for a building envelope 9.6 m wide by 16.5 m deep for a total area of 158.4 m^2 (1,705 sq.ft.). The by-law permits a dwelling with a footprint that occupies 44% of the lot area. Therefore, a dwelling with a gross floor area of 475 m^2 (5,110 sq.ft.) is permitted (including the basement/cellar but not including the attic area).

The by-law permits the construction of 2½ storey "raised" dwellings, that from the streetscape, have the affect of being 3 storeys in height. By-law No. 6593 defines "storey" as:

> *"that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor, roof deck or ridge next above it, except an attic storey".*

This definition allows for the construction of "raised dwellings" in that the cellar is excluded from the overall height of the building, even when a significant portion of the cellar is above grade. A cellar can add as much as half a storey to the overall height of the building (see APPENDIX "H").

Supplementary Zoning Provisions (Section 18)

The zoning by-law recognizes that existing lots may not meet the requirements of the by-law. As such, Section 18 provides for reduced requirements in these circumstances. The special exemptions are for lots of record which do not meet the minimum lot width, depth or area requirements of the Zoning By-law. The special exemptions are outlined in APPENDIX "I".

The supplementary zoning provisions permit a reduced front yard. This results in a dwelling within the "C" District on a 12.0 m by 30.0 m lot to have a building envelope 9.6 m wide by 18.3 m deep for a total area of 175.68 m^2 (1,890 sq.ft.). As such, the by-law permits a dwelling

with a footprint that occupies 48.8% of the lot area. Therefore, under the provisions of Section 18, a dwelling with a gross floor area of 527 m^2 (5,673 sq.ft.) is permitted (including the basement/cellar but not including the attic area).

City of Hamilton Official Plan

The predominate land use designation within the Westdale North and South Neighbourhoods is "Residential".

As previously noted, overbuilding activity in terms of dwelling size and mass can have an adverse effect on the streetscape and adjacent properties. Furthermore, compatibility relates not only to the use, but also the built form in terms of such factors as size, scale and massing. As such, it is appropriate to regulate the height and bulk in relation to the general character of the neighbourhood in accordance with Subsection C.7.3 of the Official Plan, as revised by Official Plan Amendment Nos. 109 and 128 which were approved in March, 1993 and December, 1994 respectively. Specifically, Subsection C.7.3 states that Council will:

> "iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview".

Subsection C.7.3 iii) was adopted by Council as part of the City's residential intensification strategy. It is noted that the original wording of this policy (as per OPA No. 109) was modified by OPA No. 128 to establish performance standards for single detached dwellings to prevent "monster home infilling". Planning and Development Department staff concurred with Ministry of Housing staff that "the issue of physical planning compatibility is best dealt with through the zoning by-law in terms of height, setbacks, lot coverage and other purely planning related performance standards."

As such, the Official Plan establishes the following criteria for evaluating redevelopment proposals:

i) natural vegetation (minimum landscaped areas);
ii) lot frontages and areas;
iii) building height;
iv) building coverage;
v) building mass;
vi) building setbacks; and,
vii) privacy and overview.

Westdale North and Westdale South Neighbourhood Plans

There is no approved neighbourhood plan for either the Westdale North or the Westdale South Neighbourhoods.

A neighbourhood plan review has not been undertaken as the existing land use designations are appropriate. These designations are implemented through the Zoning By-law. As such, the issue is the appropriateness of the existing zoning regulations for the Westdale North and Westdale South Neighbourhoods.

SYNOPSIS OF SURVEY FINDINGS

In order to assess how other municipalities have responded to overbuilding, a new telephone survey of municipalities was undertaken. Nine municipalities were contacted. These municipalities were selected as they have been subject to overbuilding activity. Each of the municipalities advised that they have enacted special zoning provisions (see APPENDIX "J"). It is noted that in 1994, staff surveyed 14 municipalities to determine how the overall mass of dwellings were regulated. For the purpose of this report, the 9 municipalities were specifically asked as to how they regulate overbuilding.

Several of the municipalities advised that the "monster home" issue is often concentrated to certain geographic areas of the municipality. Typically, the areas are characterized by small, wood frame, single detached dwellings which are smaller than the maximum size permitted under the regulations of the Zoning By-law. In response to neighbourhood concerns regarding the introduction of large single detached dwellings that are out of character with the neighbourhood, all nine of the municipalities have enacted special zoning provisions in specific geographic areas to control overall built size. These provisions are neighbourhood specific based on a review of the existing lot fabric and built form. A summary of the results is presented below:

- 7 of 9 have enacted special height restrictions;
- 7 of 9 have enacted gross floor area restrictions; and,
- 3 of 9 have enacted lot coverage restrictions.

In addition, a maximum building length has been adopted by 2 municipalities.

A combination of special height restrictions and a gross floor area restriction has been enacted by the majority of municipalities.

The City of London advised that special regulations were required to regulate overbuilding. These regulations were enacted to control the bulk of new buildings in addition to the standard zoning by-law regulations as it was not anticipated that the entire building envelope would be filled by a dwelling as this results in very large dwellings.

The City of Etobicoke Planning Department advised that the use of a maximum gross floor area (GFA) has proven to be problematic. In Etobicoke, dwellings have been constructed with large "great rooms" with ceilings two stories high. After the house is built, an application is made for relief from the maximum GFA requirements to permit a reduction in the size of the "great room" by putting in a second floor. The applicants contend that the proposed change will not have any affect on the neighbourhood given that there will be no changes to the external dimensions of the house. The problem in Etobicoke is that dwellings were being built with electrical outlets 3-5 metres above the floor in the "great room", at approximately the location where an outlet should be if there were a second floor. To resolve this problem, the City of Etobicoke Zoning By-law has been amended to include the "void area" in the calculation of gross floor area by doubling the floor area for any portion of a dwelling above the basement or cellar where the floor to ceiling height exceeds 4.6 metres. Given that 4.6 metres is the minimum height needed to physically accommodate two floors, the doubling of the floor area in "great rooms" equates to the area where a second floor would normally be.

The use of a maximum GFA ratio is the predominate means for regulating the overall building size. In addition, the GFA ratio is adjusted depending on lot size. This can be done by either specifying a different GFA ratio for different lot sizes or by using a fixed number and a GFA ratio (eg Mississauga permits a maximum GFA equal to 190 m^2 + 20% of the lot area). The use of a variable GFA is that as lot size increases, the GFA ratio decreases. This is done in areas with a wide range in lot sizes in a neighbourhood to ensure compatibility. It is noted that a variable GFA ratio is utilized in areas with large lots, often in excess of 18 m in width.

MAJOR ISSUE

Overbuilding creates compatibility problems with the surrounding neighbourhood. Overbuilding can have an adverse effect on the streetscape and adjacent properties. Compatibility relates not only to the use, but also the built form in terms of such factors as size, scale and massing. Given the performance criteria established in the Official Plan (Subsection C.7.3), it is appropriate to regulate the height and bulk in relation to the general character of the Westdale North and Westdale South Neighbourhoods.

Overbuilding activity creates problems with respect to the scale and density of development. As such, issues of building height and building mass must be examined.

A. Building Height

Based on the pattern of development activity in the Ainslie Wood Neighbourhoods, dwellings were being built that have the appearance of being greater than the maximum 2½ storeys permitted in the Zoning By-law. The new dwellings are 2½ storey "raised dwellings" in that the floor of the first storey is significantly higher than the finished grade. As such, the dwellings have the appearance of being 3 storeys high. Three storey dwellings would not be in keeping with the built form in the Westdale North and South Neighbourhoods.

There are four options to address the issue of overall building height. The options are:

- reduce the maximum permitted building height from 2½ storeys to 2.0 storeys;
- alter the definition of basement/cellar/storey to reduce overall building height;
- use metres, not storeys to regulate maximum dwelling height; or,
- do nothing - leave as is.

Review of Options for Building Height

Option 1 - Reduce Maximum Permitted Building Height.

The Zoning By-law could be amended to reduce the maximum permitted building height from 2½ storeys to 2 storeys. This would restrict the overall height of the dwellings. The reduction from 2½ to 2 storeys would allow for the construction of dwellings with ceilings in excess of the typical 2.5 metres, dwellings with high rooflines or alternatively would not address the issue of "raised dwellings".

Option 2 - Revising Definitions

The definitions of basement, cellar and storey could be amended to limit the amount of the basement or cellar constructed above grade in order to reduce the overall built height of the dwelling. Under the definition of "storey", if the ceiling is more than 1.8 metres above grade, then that portion of the building is considered to be the first storey. Dwellings have been constructed in the Ainslie Woods Neighbourhoods with the maximum permitted height of the basement ceiling above grade, but not so high that the basement is classified as the first storey (i.e. the basement ceiling is less than 1.8 m above grade). This results in the creation of "raised dwellings" which appear to have an overall building height of 2½ or 3 storeys.

Revising the definitions of basement/cellar/storey to reduce overall height would address the issue of "raised dwellings". The Zoning By-law defines the first storey as being:

> *"**Storey, First**" shall mean the storey with its floor closest to the grade and its ceiling more than 1.8 metres above grade".*

For example, the City of Scarborough restricts the maximum height of the basement or cellar to 0.75 m or 1.0 m above grade (depending on the neighbourhood). This provision would prevent the construction of "raised dwellings" because the ceiling of the basement/cellar would have to be less than 0.75 m or 1.0 m above grade as opposed to the existing 1.8 m provision in the City of Hamilton Zoning By-law No. 6593.

Revising the definition of "storey, first" would discourage the construction of dwellings with basements given that a basement, by definition, must have more than 50% of its height above grade. The existing definition in the Zoning By-law is based on the Ontario Building Code. Revising the definition could create confusion in that the first storey would be treated differently between the City's Zoning By-law and the Ontario Building Code.

It is noted that a maximum linear height or a reduction in the maximum permitted number of storeys would achieve the same effect.

Option 3 - Maximum Linear Height

Establishing a maximum linear height would impose a height cap on all new construction. This would control the creation of "raised dwellings" where the basement is constructed at the equivalent of one-half storey above grade. The Ainslie Woods By-laws established a maximum building height of 9.0 metres, regardless of the number of storeys built. The "R-4" (Small Lot Single Family Detached) District imposes a maximum building height of 11.0 metres, regardless of the number of storeys built.

Option 4 - "Do-Nothing"

This option would maintain the status quo and as such it is not considered to be a practical option.

Alternatively, a variation on Options 1, 2 or 3 could be utilized to differentiate between 1½, 2, and 2½ storey dwellings. This is because a 1½ storey "raised dwelling" has the appearance of a 2 storey dwelling from the street. As such, the maximum permitted height could differentiate between dwellings based on whether the dwelling was constructed with a basement or a cellar.

Preferred Option - Building Height

Within both the Westdale North and Westdale South Neighbourhoods there are 2½ storey dwellings. However, based on site visits to the aforementioned neighbourhoods, 2 storey dwellings are the predominate building height in the two neighbourhoods. Accordingly, the preferred option regarding building height is to establish a maximum building height of 2 storeys, to a maximum height of 9.0 m.

In addition, Section 18(2)(i) of Zoning By-law No. 6593 permits an increase in height from 2½ to 3 storeys, subject to an increase in side and rear yards. Given that overbuilding may result in problems related to the overshadowing of adjacent gardens, overlooking, loss of privacy and blockage of views, it is appropriate that this provision be removed for the Westdale Neighbourhoods.

B. Building Mass

It is necessary to address the issue of overall building mass or building size. Overbuilding occurs when the new dwellings are significantly larger than the existing housing stock.

The minimum yard regulations of the "C" District in Zoning By-law No. 6593 result in a building envelope that is equal to approximately 44% of the total lot area. As such, on a 360 metre^2 lot, each storey can have a floor area of approximately 158 metres^2 (1,700 feet^2). Within the Ainslie Wood Neighbourhoods, single detached dwellings in excess of 320 metres^2 (3,500 feet^2) have been built in accordance with the existing regulations of the Zoning By-law.

There are five options to address building mass:

- delete special exemptions section of Zoning By-law as it applies to certain neighbourhoods;
- establish a maximum lot coverage ratio;
- establish a maximum Gross Floor Area (GFA);
- increase side, front and/or rear yard requirements; or,
- do nothing - leave as is.

Option 1 - Removal of Special Exemptions

The deletion of the special exemptions option and increasing minimum yard requirements would have significant implications for the streetscape and as such are not supported.

Option 2 - Lot Coverage Ratio

A lot coverage ratio refers to the percentage of the lot covered by a dwelling. For example, on a 371 m^2 (4,000 sq.ft) lot, a 50% lot coverage ratio would permit each storey of a dwelling to be 185.5 m^2 (2,000 sq.ft.). This would permit the construction of a 743 m^2 (8,000 sq.ft.) 2½ storey dwelling (including the basement or cellar). Lot coverage ratios do not distinguish between the number of storeys. Rather, lot coverage ratios regulate the length and width of the dwelling. A uniform lot coverage ratio designed to regulate overbuilding may discourage the construction of single storey dwellings in that a restriction is placed on the external size of the first storey of the dwelling. Alternatively, a higher lot coverage ratio for one storey dwellings could be utilized to resolve this problem.

Option 3 - Gross Floor Area Ratio

Whereas lot coverage ratios regulate the external size of the building footprint, a gross floor area (GFA) ratio regulates the amount of floor space permitted. How the floor space is allocated between the basement/cellar, first and second floors is not regulated provided that the aggregate of the floor areas does not exceed the maximum permitted floor area. For example, on a 371 m^2 (4,000 sq.ft.) lot, a maximum GFA ratio of 0.5 would permit the construction of a 185.5 m^2 (2,000 sq.ft.) dwelling.

Option 4 - Increase Required Yards

The Zoning By-law establishes the building envelope within which a building can be constructed. The envelope consists of limits on building placement on a lot and building height. The envelope is intended to provide for flexibility in building placement on a lot.

Increasing the yard requirements would reduce the building envelope. However, this could have an adverse effect on the streetscape and could create numerous legal non-conforming situations necessitating applications to the Committee of Adjustment to permit building additions and renovations by homeowners.

Option 5 - "Do-Nothing"

This option would maintain the status quo and as such it is not considered to be a practical option.

<u>Preferred Option - Building Mass</u>

Accordingly, the preferred option is to utilize a maximum gross floor area ratio for the Westdale North and Westdale South Neighbourhoods. The Ainslie Woods Neighbourhoods by-laws utilize a GFA ratio. In addition, a GFA requirement is used in regulating apartment building size in Zoning By-law 6593 in the multiple dwelling districts (eg "DE" and "E" Districts).

A gross floor area ratio is defined as the amount of floor space in a building divided by the area of the lot on which it is located. For example, a 185.5 m^2 (2,000 sq.ft.) building on a 371 m^2 (4,000 sq.ft.) lot would have a GFA of 0.5.

A GFA ratio directly regulates the bulk of a building without unduly restricting the building placement on a lot. Furthermore, a GFA ratio regulates how much floor area is permitted, not how the floor area is allocated among the first or second storeys.

C. Parking

A related issue to building mass is parking. For a single detached dwelling, the zoning By-law requires 1 off-street parking space and 1 manouvering space. Within the Westdale Neighbourhoods, off-street parking is primarily provided in the side yard or in a garage attached to the side of the dwelling.

The Zoning By-law requires that a minimum of 2 off-street parking spaces be provided for all new single detached dwellings (the required parking space and the required manouvering space). In addition, the conversion of the garage into additional living area or into an accessory apartment results in a 50% reduction in the number of off-street parking spaces. This can result in on-street parking congestion. As a result, there is pressure to use the front yard for parking and to reduce the amount of front yard landscaping. When the Housing Intensification Study was undertaken, the single most contentious issue was uncontrolled front yard parking which resulted in the loss of trees and greenspace in residential areas. The parking and landscaping requirements of the Zoning By-law are intended to maintain the residential character of the streetscape and to ensure that adequate off-street parking is provided.

In addition, the Traffic Division has requested Planning and Development Department staff to review the Zoning By-law to regulate the grade of driveways. The Traffic Division has advised that when dwellings are constructed with below grade parking there is often pressure to convert the garage into living space and fill in the driveway. Due to the steep grade of the driveways, visibility may be impaired in attempting to back out of the driveway. It is noted that through the subdivision process, the grades of one, two and three family dwellings is limited to 7 percent. In addition, the agreements require that the finished level of the garage be 0.3 metres above the elevation of the back of the sidewalk. However, existing lots of record are exempt from these controls.

PREFERRED OPTION:

The preferred option is to reduce the maximum permitted building height in conjunction with establishing a maximum permitted Floor Space Index ratio for the Westdale North and the Westdale South Neighbourhoods.

Based on a review of dwelling sizes and lot sizes for the Westdale North and Westdale South Neighbourhoods, the following analysis indicates that dwelling size is associated with lot size. Specifically, the following was observed:

Lot Size	Dwelling Size
278 m^2 - 325 m^2 (3,000 - 3,500 sq.ft.)	111 m^2 - 158 m^2 (1,200 sq.ft. - 1,700 sq.ft.)
371 m^2 - 418 m^2 (4,000 - 4,500 sq.ft.)	140 m^2 - 167 m^2 (1,500 sq.ft. - 1,800 sq.ft)
+464.5 m^2 (+ 5,000 sq.ft)	185.5 m^2 (+2,000 sq.ft.)

Based on the review of the existing lotting fabric and built form within the Westdale Neighbourhoods, the maximum gross floor area for new construction and additions to existing dwellings should not exceed 45% of the lot area (a GFA ratio of 0.45). This ratio would result in the following:

Lot Size	Maximum Permitted GFA	Dwelling Dimensions*	
		1 Storey	2 Storey
9.14 x 30.48 (30' x 100')	125.42 m^2 (1,350 sq.ft.)	7.34 x 17.08** (24' x 56')	7.34 x 8.54 (24' x 28')
10.67 x 30.48 (35' x 100')	146.32 m^2 (1,575 sq.ft)	8.53 x 17.15** (28' x 56.25')	8.53 x 8.57 (28' x 28')
12.19 x 30.48 (40' x 100')	167.23 m^2 (1,800 sq.ft.)	9.79 x 17.08** (32' x 56')	9.79 x 8.54 (32' x 28')
13.72 x 30.48 (45' x 100')	188.13 m^2 (2,025 sq.ft)	11.32 x 16.63 (37' x 55')	11.32 x 8.31 (37' x 27.3')
15.24 x 30.48 (50' x 100')	209.03 m^2 (2,250 sq.ft.)	12.84 x 16.28 (42' x 53.4')	12.84 x 8.14 (42' x 26.7')
18.29 x 30.48 (60' x 100')	250.84 m^2 (2,700 sq.ft.)	15.89 x 15.79 (52' x 52')	15.89 x 7.89 (52' x 25.9')

Note: * Dwelling dimensions do not include an attached garage.

** Notwithstanding the maximum permitted GFA, a 1 storey dwelling cannot exceed a depth of 16.98 m (55.7') based on a front yard of 6 m and a rear yard of 7.5 m.

Imperial measurements are approximate due to rounding.

The Building Department has advised that a maximum building height of 9.0 m is appropriate. A maximum height of 9.0 m provides for an appropriate roof pitch given that the most common roof pitch for new construction is 4:12. The height restriction of 2 storeys and 9.0 m will regulate the construction of 2 storey "raised dwellings" that have the appearance of being 2½ storeys in height. A maximum height of 9.0 m may preclude the construction of 2 storey dwellings with basements, given that a basement may project 1.0 - 1.25 m above grade.

In order to regulate building height, the maximum permitted height should be reduced from 2½ storeys to 2 storeys and 9.0 metres, whichever is the lesser of the two. The Building Department has advised that the majority of the new single detached residential construction in the City of Hamilton is being built at 2 storeys or less. The reduction from 2½ to 2 storeys combined with a maximum building height of 9.0 metres would allow for the construction of dwellings with ceilings in excess of the typical 2.5 metres, or alternatively, dwellings with high rooflines, but would regulate the creation of "raised dwellings" where the basement is constructed at the equivalent of one-half storey above grade.

Based on the experiences in other municipalities, the calculation of the GFA should include any "void area" by doubling the floor area for any portion of a dwelling above the basement or cellar where the floor to ceiling height exceeds 4.6 metres (4.6 metres is the minimum height needed to physically accommodate two floors). The doubling of the floor area in a "great room" would equate to the area where a second floor would normally be (see APPENDIX "K"). Therefore, in that portion of a dwelling where the floor to ceiling height exceeds 4.6 metres, the floor area would be multiplied by a factor of 2.0 for the purposes of determining floor area. The doubling of the floor area should be restricted to any room given that there are instances where it is necessary to have a floor to ceiling height in excess of 4.6 metres (eg the floor to ceiling height may exceed 4.6 metres where there is a circular staircase leading from the first to second storey).

COMMENTS:

1. The preferred option can be supported on the following basis:

   - it would not conflict with the intent of the Official Plan;
   - it would ensure compatibility between existing dwellings and new dwellings; and,
   - it would allow for the renovation and restoration of existing dwellings.

2. The proposed amendments to the Zoning By-law are based on an analysis of the Westdale North and Westdale South Neighbourhoods. As such, these amendments are specific to these two neighbourhoods. Lot sizes in the Westdale North and Westdale South Neighbourhoods range from 275 m^2 - 930 m^2 (3,000 sq.ft - 10,000 sq.ft), and the proposed maximum GFA ratio provides for sufficient flexibility to permit new construction to occur at a scale in keeping with the existing built form.

   The Planning and Development Department will undertake a review of the existing zoning provisions for other neighbourhoods and advise the Planning and Development Committee accordingly of any recommended changes to the zoning by-law.

3. As previously noted, notice of the public meeting was published in the Spectator on June 1, 1996. The notice contained an error on the key map. The western boundary of the Westdale North Neighbourhood study area was inadvertently labelled as Paradise Road.

The correct boundary is Parkside Drive and Parkview Drive. As a result, a seperate public meeting for the Westdale North Neighbourhood has been scheduled for July 3, 1996 and notice of the public meeting is to be published in the Spectator on June 15, 1996.

4. It is appropriate that the following modifications be made to the "C" (Urban Protected Residential, etc.) District for the Westdale South Neighbourhood:

   i) Notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure within the Westdale South Neighbourhood shall exceed two storeys and 9.0 metres in height;

   ii) the total gross floor area of all dwellings units or parts thereof on each lot shall not exceed 0.45 times the lot area;

   iii) Notwithstanding Section 2.(2)J.(viiia) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

      a) an attached garage;
      b) a detached garage; and,
      c) the floor occupied by heating, air conditioning and laundry equipment;

   iv) In addition to Subsection 3.v), for any room within the dwelling where the floor to ceiling height exceeds 4.6 metres, then the gross floor area for that portion of the dwelling shall be multiplied by a factor of 2.0; and,

   v) In addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade.

5. The introduction of a maximum GFA does have implications for the Building Department. At the present time, zoning conformity relates to new construction only. The introduction of a GFA will require that the proponent submit detailed plans of the existing building showing total floor area. The cost of preparing these drawings will be borne by the applicant and will require additional staff time in reviewing building permit applications for additions to existing dwellings.

6. The proposed changes to the zoning by-law will have implications for existing homeowners. In those situations where a proposed dwelling exceeds the maximum permitted GFA, or alternatively where an addition is proposed onto an existing 2½ storey dwelling, then the proponent could apply for a rezoning or seek relief from the provisions of the zoning by-law by applying to the Committee of Adjustment.

7. The requirement that the finished floor of an attached garage be a minimum of 0.30 m above grade will resolve the issue of below grade parking. The Traffic Division has advised that the steep grade of the driveways may result in impaired visibility when drivers are attempting to back out of the driveway. Below grade parking is regulated through the subdivision process whereby the grades of one, two and three family dwellings is limited to 7 percent and that the finished level of the garage be 0.30 metres above the elevation of the back of the sidewalk. It is noted that within the Westdale South Neighbourhood, the required parking is provided in the side yard or an attached garage that is not below grade. As such, the location of the garage should be regulated in keeping with the established character of the Westdale South Neighbourhoods.

8. The proposed changes to the Zoning By-law are for the Westdale North and Westdale South Neighbourhoods. The Planning and Development Department, in conjunction with the Building Department, will monitor the situation to determine the effectiveness of the proposed zoning by-law changes.

9. This report has been prepared with input from the Law Department and the Building Department. In this regard, the Building Department concurs with the proposed modification in zoning for the Westdale North and the Westdale South Neighbourhoods.

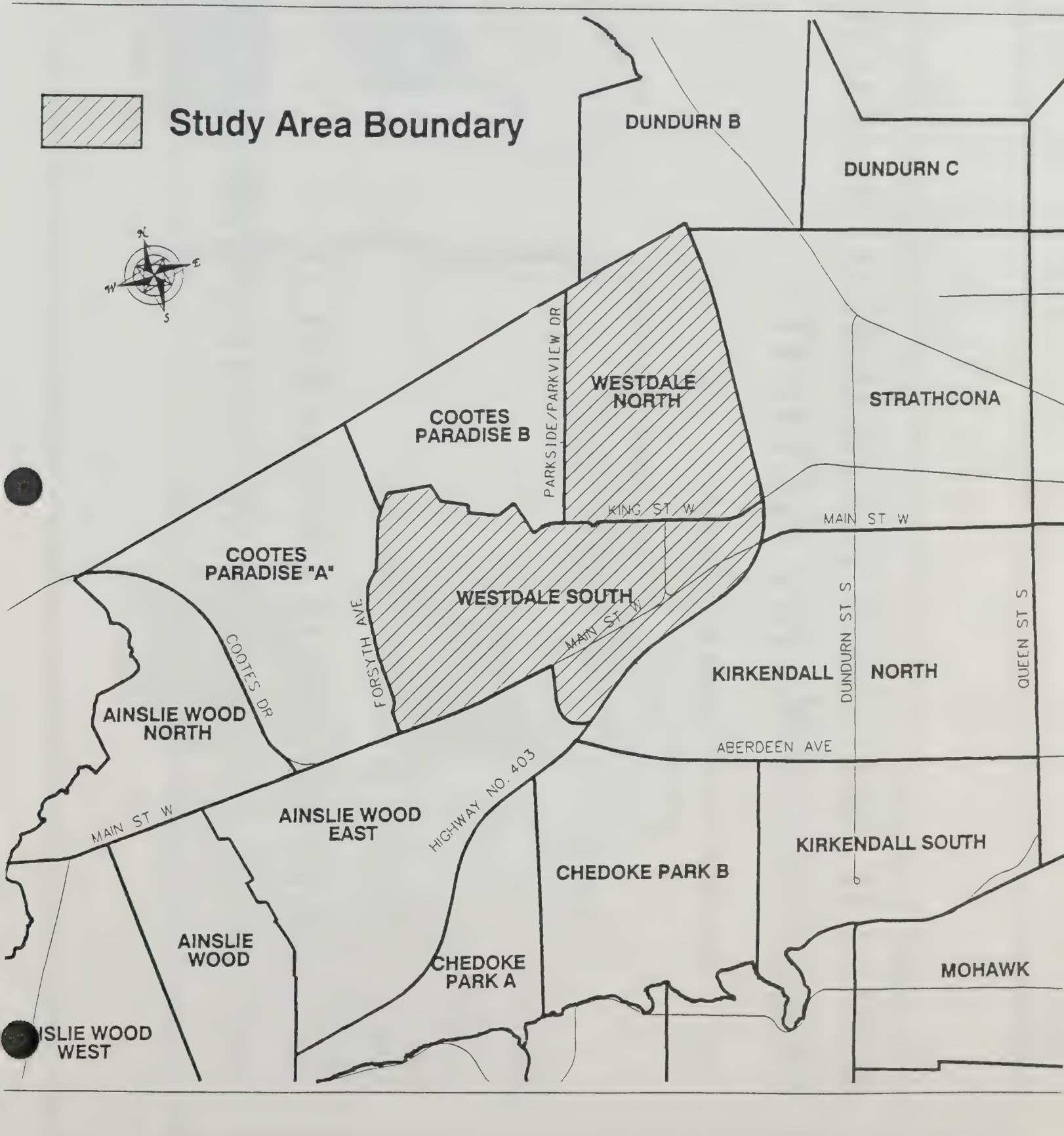
CONCLUSION:

On the basis of the foregoing, City Initiative 96-E can be supported.

CI96-E.STH

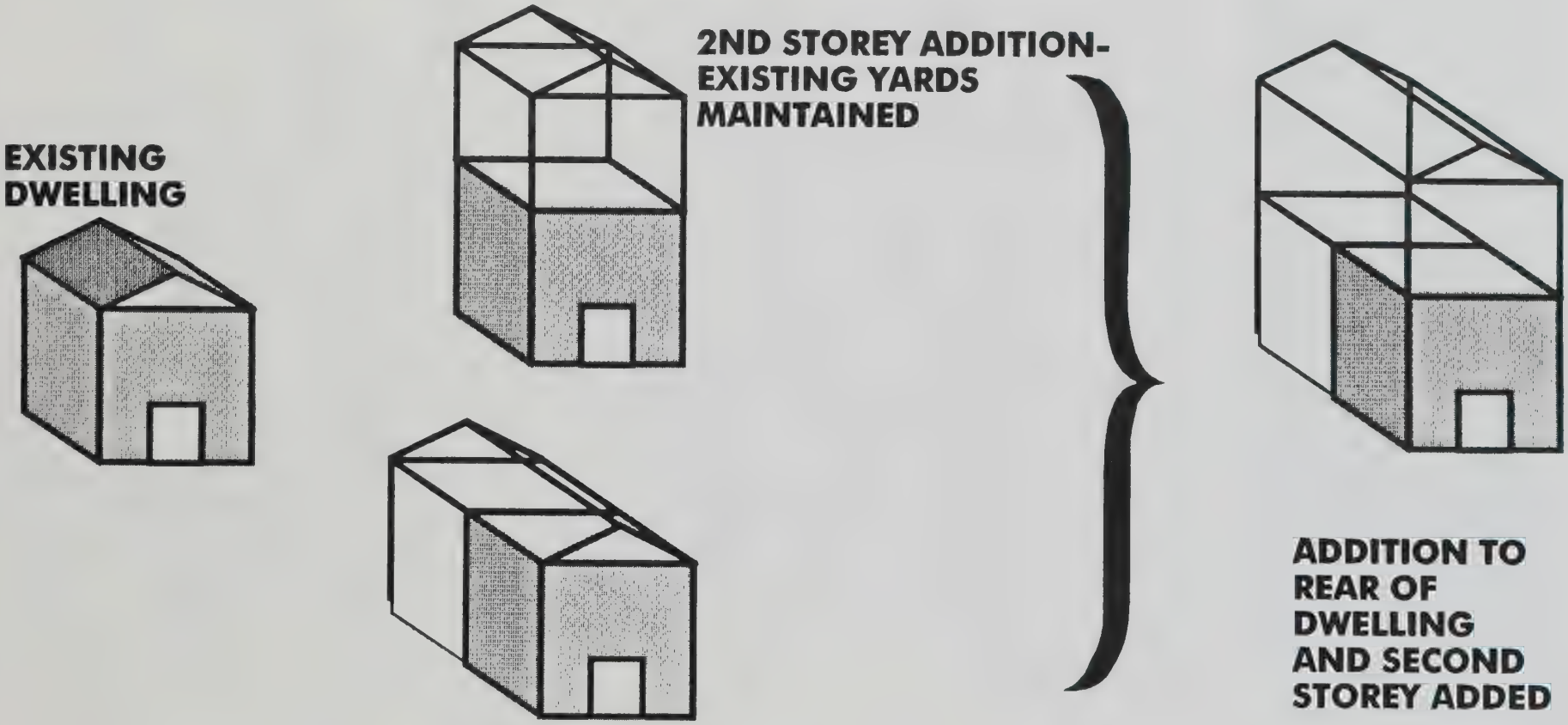
APPENDIX A

LOCATION MAP



AINSLIE WOODS NEIGHBOURHOOD REDEVELOPMENT ACTIVITY

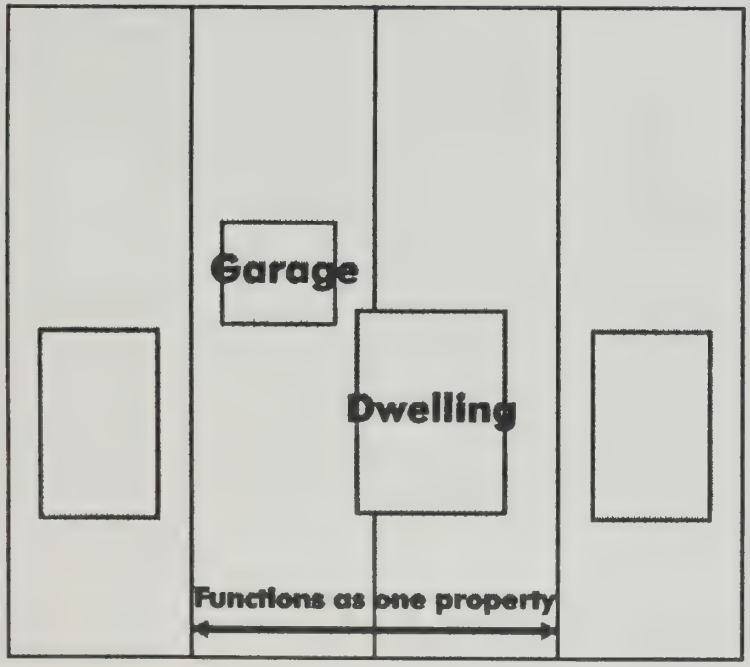
- FIG 1. - ADDITIONS TO EXISTING DWELLINGS



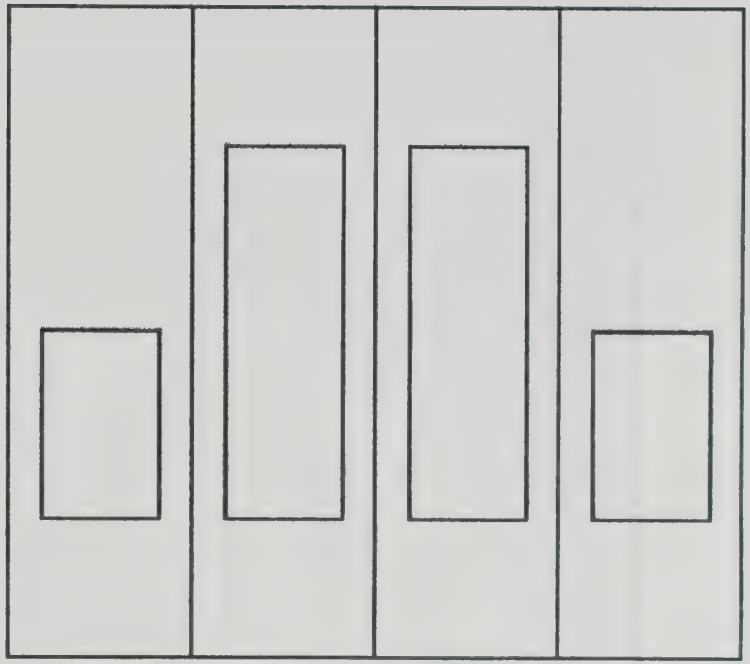
APPENDIX "R"

AINSLIE WOODS NEIGHBOURHOOD REDEVELOPMENT ACTIVITY

- FIG 2. - DEMOLITION OF EXISTING DWELLINGS



1 DWELLING ON 2 LOTS OF RECORD



DWELLING DEMOLISHED 2 NEW DWELLINGS CONSTRUCTED

APPENDIX "C

APPENDIX D

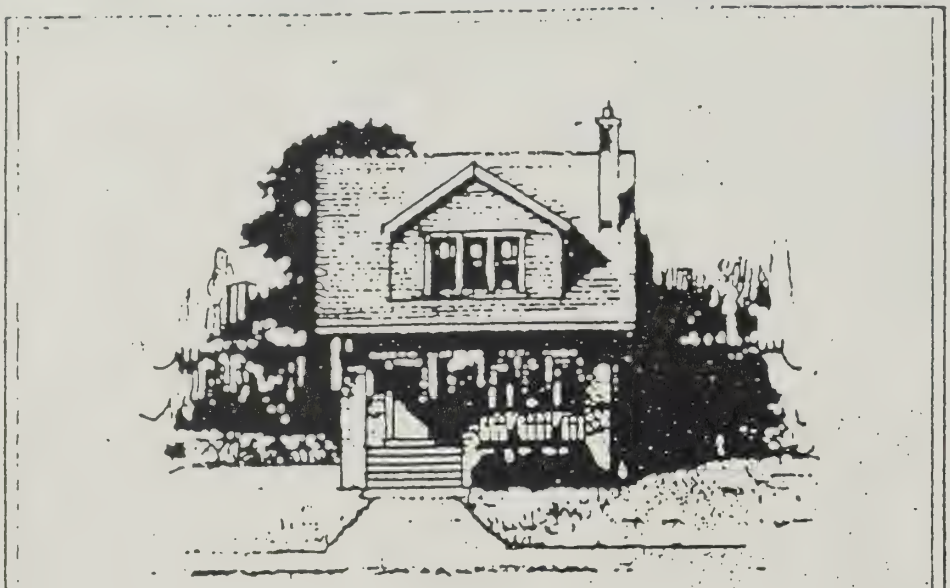
Subdivision Activity - Westdale Neighbourhoods			
Plan No.	**Plan Name**	**Registration Date**	**Lot Size (sq.ft.)**
634	Woodlawn	1920	3,000
646	Clinelands	1921	3,000 - 4,500
649	Pailsey Gardens	1921	4,000 - 5,000
652	Crescentwood	1921	4,000 - 5,500
664	Elmhurst	1923	4,500
679	Princess Heights	1925	3,000 - 3,500
680	Oak Knoll	1925	7,500 - 10,000
683	Oak Wood	1927	6,000 - 15,000
685	Forest Hills	1929	7,000 - 10,000
692	Colegiate Park	1930	3,000 - 3,300
705	Parkside Vista	1939	3,000 - 3,200
714	Parkside Gardens	1941	3,300 - 3,600

APPENDIX E

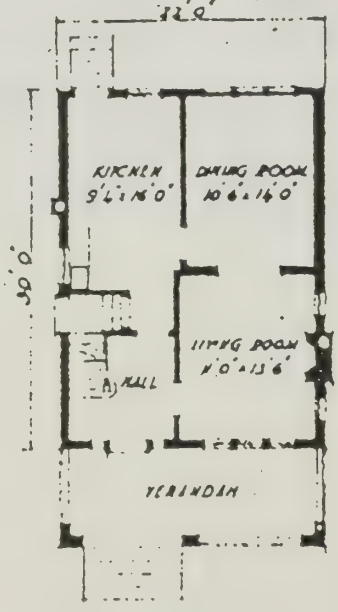
1991 Census Data - DWELLING CHARACTERISTICS						
	Westdale North		Westdale South		City of Hamilton	
Total Number of Occupied Private Dwellings	1,005		2,070		125,200	
Avg number of rooms per dwelling	5.8		5.8		5.8	
Avg number of bedrooms per dwelling	2.4		2.5		2.4	
Avg value of dwelling	$162,839		$226,846		$159,937	
Period of Construction						
before 1946	415	(41.3%)	1,035	(50.1%)	34,485	(27.5%)
1946 - 1960	365	(36.3%)	360	(17.4%)	28,250	(22.6%)
1961 - 1970	130	(12.9%)	590	(28.6%)	25,680	(20.5%)
1971 - 1980	95	(9.5%)	80	(3.9%)	23,455	(18.7%)
1981 - 1985	0	(0.0%)	10	(0.5%)	4,925	(3.9%)
1985 - 1991	0	(0.0%)	0	(0.0%)	8,420	(6.7%)
Condition of Dwellings						
Dwellings Requiring Minor Repairs	300	(29.9%)	510	(24.6%)	30,090	(24.0%)
Dwellings Requiring Major Repairs	45	(4.8%)	235	(11.4%)	9,835	(7.9%)

APPENDIX F

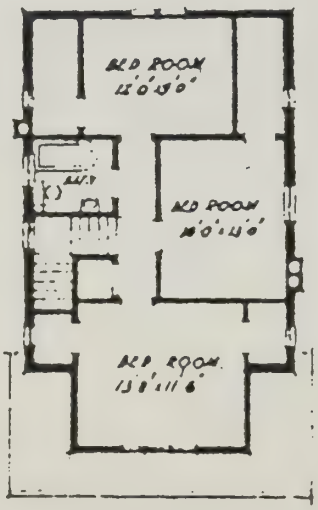
"A-1" HOUSE PLAN



FRONT ELEVATION.



FIRST FLOOR PLAN.



SECOND FLOOR PLAN. (A1)

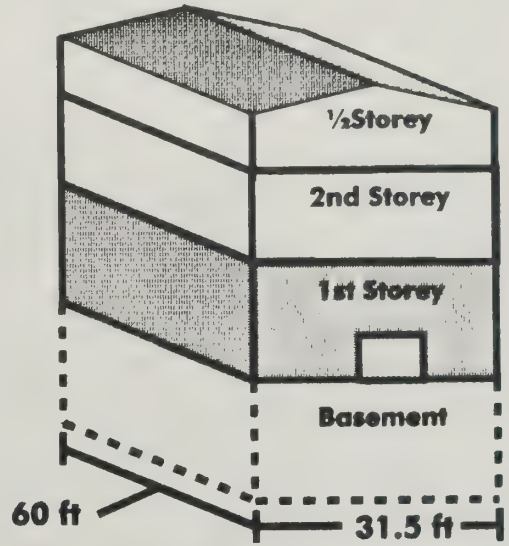
APPENDIX G

"C" District Regulations	
Maximum Building Height	2½ storeys for buildings 11.0 m (36 ft) for structures
Minimum Lot Frontage	12.0 m (39.37 ft)
Minimum Lot Area	360.0 m^2 (3,875 ft^2)
Minimum Front Yard	6.0 m (19.69 ft)
Minimum Side Yard	1.2 m (3.94 ft)
Minimum Rear Yard	7.5 m (24.61 ft)

"C" DISTRICT POTENTIAL GROSS FLOOR AREA

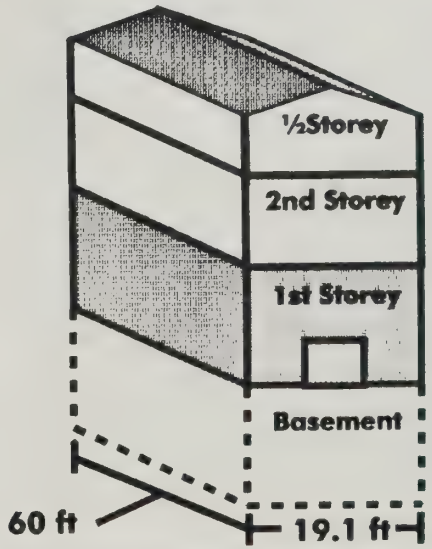
40 ft LOT

½ STOREY	1890 sq. ft
2nd STOREY	1890 sq. ft
1st STOREY	1890 sq. ft
BASEMENT	1890 sq. ft
TOTAL	**7,560 sq. ft**



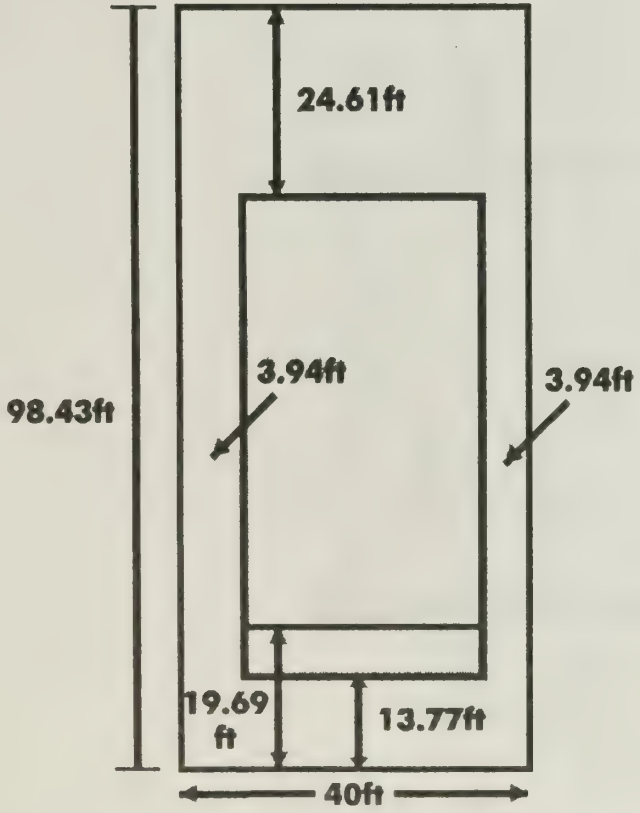
25 ft LOT

½ STOREY	1146 sq. ft
2nd STOREY	1146 sq. ft
1st STOREY	1146 sq. ft
BASEMENT	1146 sq. ft
TOTAL	**4,584 sq. ft**

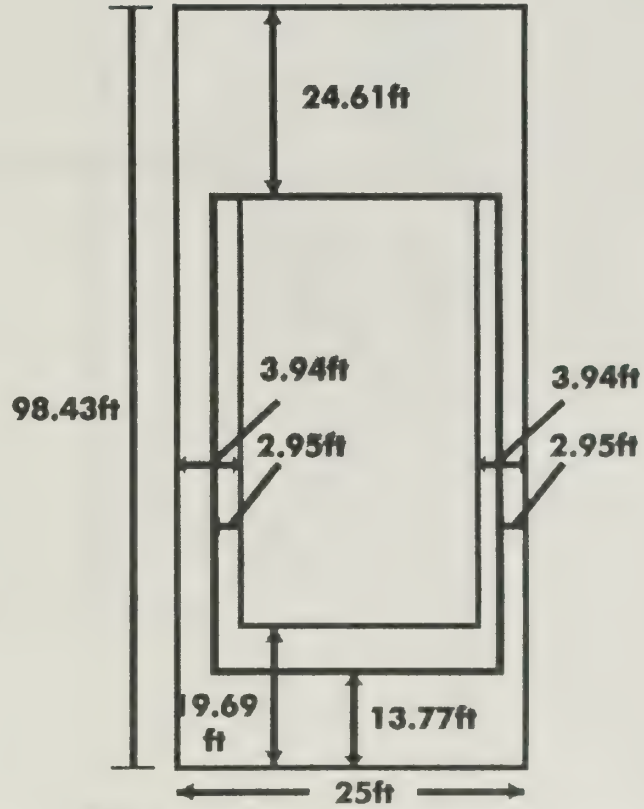


APPENDIX "G" (cont'd)

BUILDING ENVELOPE-
"C" DISTRICT REGULATIONS



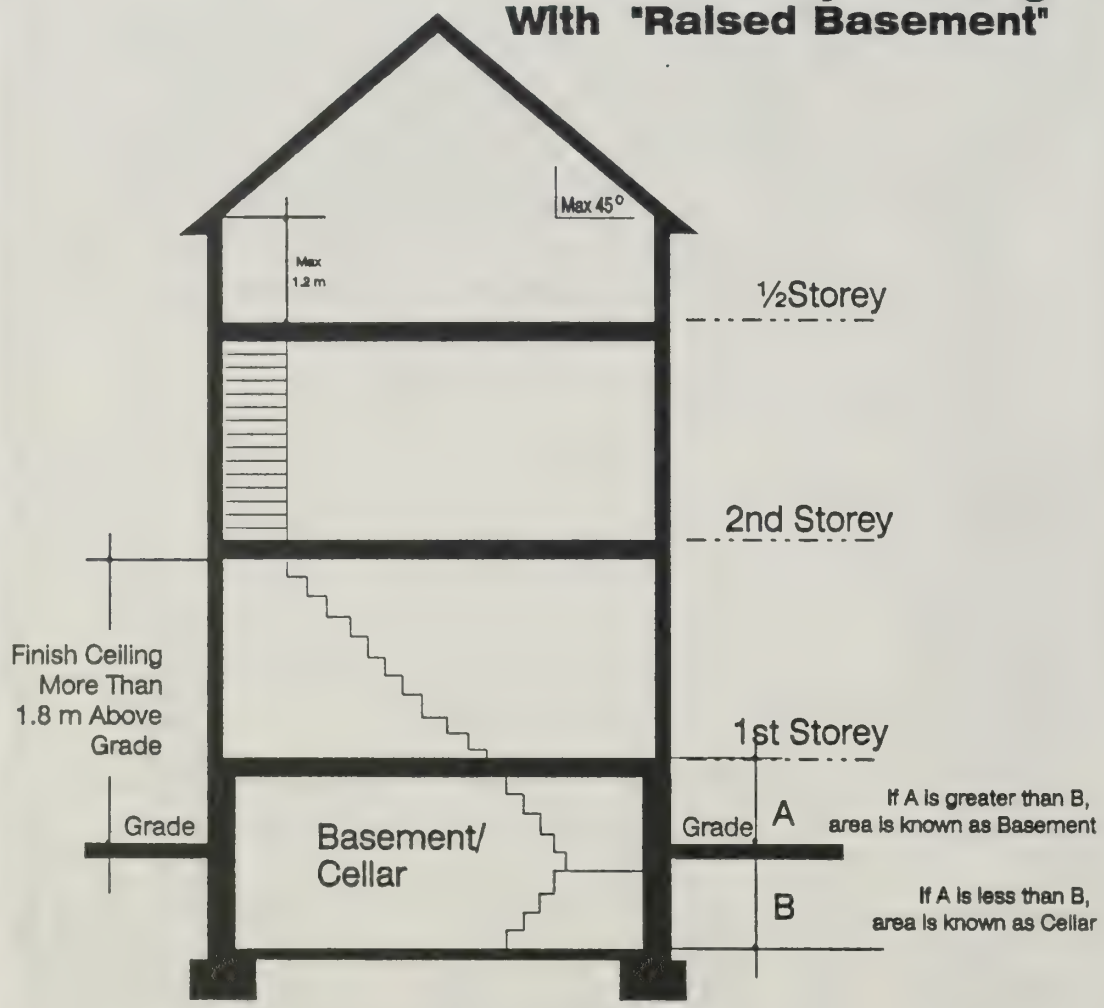
=31.5ft X 54ft = 1700 sq. ft
=31.5ft X 60ft = 1890 sq. ft



=17.2ft X 54ft = 928 sq. ft
=19.1ft X 60ft = 1146 sq. ft

APPENDIX "G"
(cont'd)

2½Storey Dwelling With "Raised Basement"



APPENDIX "H"

APPENDIX I

Supplementary Zoning Regulations	
Maximum Building Height *(Section 18(2)(i))*	Maximum 3 storeys subject to: • 2.7 m sideyard • 10.5 m rearyard
Minimum Lot Width	Zoning By-law recognizes lots of record that do not comply with minimum lot width requirements
Minimum Lot Area	Zoning By-law recognizes lots of record that do not comply with minimum lot width requirements
Minimum Front Yard *(Section 18(3)(iii))*	30% reduction based on average of the adjacent dwellings where said dwellings are less than 30 m apart Absolute minimum of 4.2 m (13.78 ft)
Minimum Side Yard *(Section 18(3)(v))*	For lots of record that do not comply with minimum lot width, depth or area: • 10% of the width of the lot Absolute minimum of 0.9 m (2.95 ft)
Minimum Rear Yard *(Section 18(3)(v))*	For lots of record that do not comply with minimum lot width, depth or area: • 25% of the depth of the lot Absolute minimum of 3.0 m (9.84 ft)

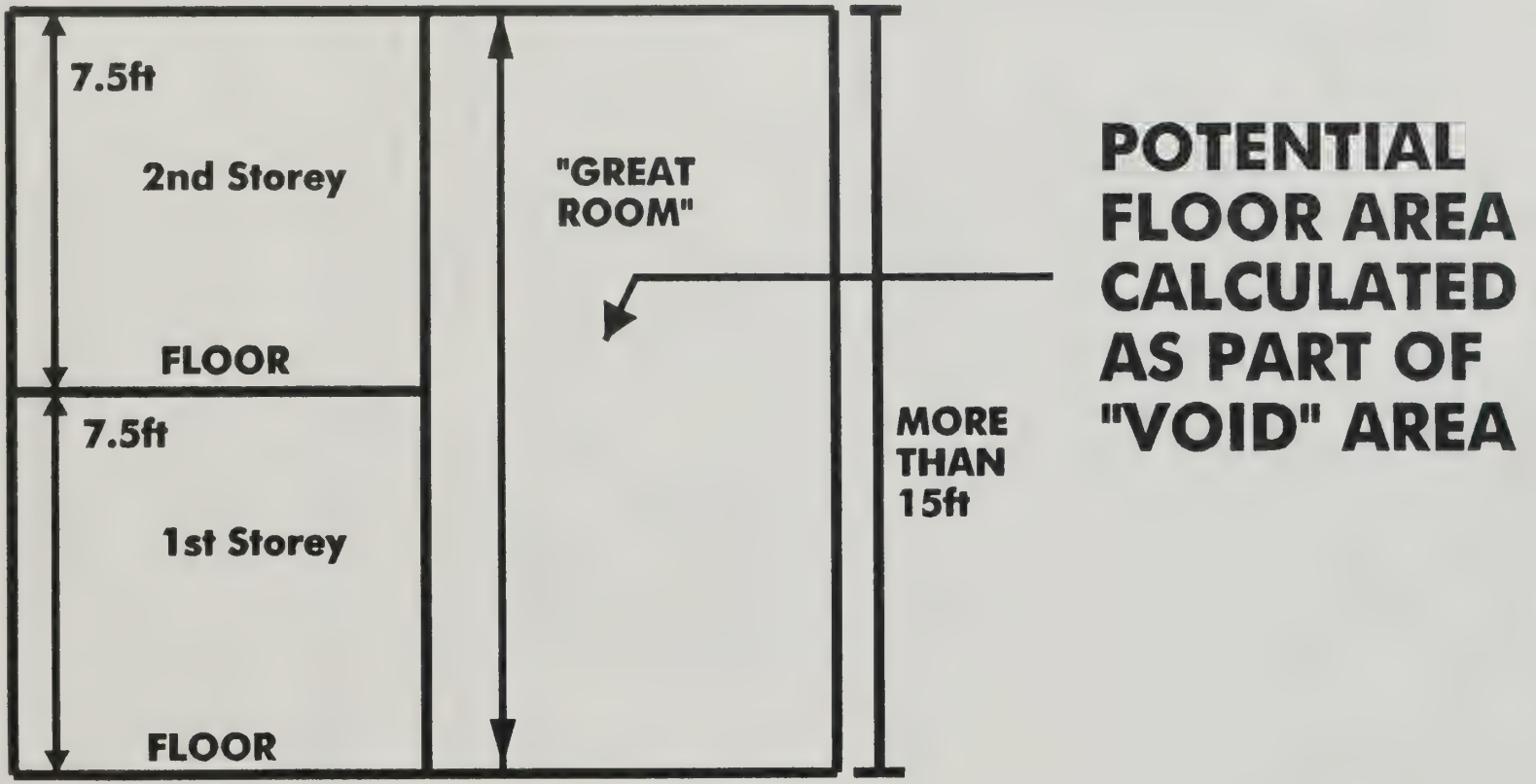
APPENDIX J

MUNICIPALITY	OVERBUILDING CONTROLS			COMMENTS
	HEIGHT	GFA	LOT COVERAGE	
Burlington	8.5 m		25%	Special By-law enacted in 1991. Applies to certain geographic areas to control overbuilding on infill lots. Maximum gross floor area of 130 m^2 (1,400 sq.ft.) on small lots (300 m^2 - 325 m^2)
Etobicoke	8.5 m 9.5 m	Yes. See comments		Maximum GFA is neighbourhood specific - Greater of 0.45 GFA or 185 m^2; - 165 m^2 + 25% of lot to max. of 0.5 GFA - 150 m^2 + 25% of lot to max. of 0.5 GFA - 135 m^2 + 25% of lot to max. of 0.5 GFA - 118 m^2 + 25% of lot to max. of 0.5 GFA - 150 m^2 + 25% of lot to max. of 0.5 GFA - 125 m^2 + 25% of lot to max. of 0.5 GFA Established maximum dwelling depth of 16.5 m (54 ft) for 1 storey dwellings.
London		Yes. See comments		Neighbourhood specific zoning provisions. GFA dependent on lot size. Lot (m^2) — Max. Floor Area 0- 400 — 50% to a max. of 180 m^2 401- 500 — 45% to a max. of 200 m^2 501- 700 — 40% to a max. of 245 m^2 701-1000 — 35% to a max. of 275 m^2 + 1000 — 35% to a max. of 375 m^2 Minimum rear yard of 30% of the depth of the lot. Parking standard of 1 space per 100 m^2 of GFA.
Markham	2 storeys and Sloped roofs - 9.8 m - 11.3 m Flat roofs - 8.0 m	Specific to different zones		Maximum floor area ranges is 42%, 47% or 50% (zone specific). Maximum dwelling depth of 16.8 m. Gross Floor Area includes basement and garage. Cellars exempt from GFA.
Mississauga	Dependent on lot width lots	190 m^2 + 20% of Lot Area		Neighbourhood specific zoning provisions enacted. Neighbourhoods are subject to Site Plan Control. Building Height - 9.0 m for lots less than 22.5 m in width - 9.5 m for lots greater than 22.5 m in width - 7.5 m for dwellings with flat roofs In addition, the distance between established grade and the lower edge of the eaves for any dwellings shall not exceed 6.4 m
North York	2 storeys or 8.8 m		Neighbourhood specific	Maximum building length of 16.8 m

MUNICIPALITY	OVERBUILDING CONTROLS			COMMENTS
	HEIGHT	GFA	LOT COVERAGE	
Oakville	2 storeys or 7.5 m	Yes. See comments		Established new zoning category for infill housing areas. Floor area ratio dependent on lot size Lot (m^2) — Max. Floor Area 0- 300 — 41% 301- 400 — 40% 401- 500 — 39% 501- 600 — 38% 601- 700 — 37% 701- 800 — 36% 801- 900 — 35% 901-1000 — 34% 1001-1100 — 32% 1101-1200 — 30% 1201-1300 — 28% +1301 — 26%
Scarborough	2 storeys and 9 m	Yes. See Comments		Special provisions enacted in 1990 on neighbourhood specific basis. Maximum GFA dependent on lot size. Lot (m^2) — Max. Floor Area 0-408 — 0.6 to a max. of 204 m^2 408-697 — 0.5 to a max. of 279 m^2 + 697 — 0.4 Basement/Cellar regulated. Maximum height established for amount above grade. Maximum of 0.75 m or 1.0 m depending on neighbourhood. Rear yard provisions of 7.5m plus 50% of lot depth where the lot exceeds 33.5 m in depth.
Waterloo		20% + 280 m^2	30% - 35%	Overbuilding study in response to building of large triplexes. 30% lot coverage for new construction 35% lot coverage for conversions/additions to existing buildings GFA exempts cellar/basement areas in existing buildings. Basement/cellar included in new construction

APPENDIX "J"
(cont'd)

"VOID" AREA



APPENDIX "K"

CI 96-E



Ontario
LEGISLATIVE ASSEMBLY

LILLIAN ROSS, M.P.P.
Hamilton West

MAY 14 1996 5(a)

MAY 16 1996

✓ clerks

C to C.C. member

P+D S-W

May 9, 1996

Mayor Robert Morrow
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Bob:

I have just read today's Spectator and note the article concerning "monster" housing.

I am fully supportive of the opposition to this type of housing voiced by the residents in the neighbourhood. I understand their concerns and share their views that the streetscape of Westdale has deteriorated since the construction of large student properties on small lots in beautiful, old residential neighbourhoods.

I understand that the Committee will put forward a By-Law in June which will prevent massive homes from being built on small lots, similar to the previous By-Law concerning the Ainslie Wood neighbourhood.

I would like to reiterate my support for the actions of the committee and extend my full support for this change to the By-Laws.

If I can be of any assistance, please call me.

Sincerely,

Lillian Ross

Lillian Ross, MPP.
Hamilton West

L.R./jm

HAMILTON
150TH BIRTHDAY
1996

06-13-96 12:03PM FROM MAIL BOXES ET. #2

5(b)

June 13, 1996

Ms. Stella Glover, A/Secretary
Planning & Development Committee
The Corporation of the City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

SUBJECT: OVERBUILDING STUDY (MONSTER HOMES)
PUBLIC MEETING OF THE PLANNING AND
DEVELOPMENT COMMITTEE - JUNE 19, 1996

Dear Ms. Glover:

Further to my conversation this date with Charlene Touzel and, as indicated to her at that time, I will be present at the meeting and wish to appear before the Committee to present a petition signed by over one thousand residents of the Westdale Neighbourhoods who are opposed to the building of "Monster Homes" in the area of Hamilton commonly referred to as Westdale. It is, therefore, requested that I be placed on the Agenda for the above mentioned meeting.

Copies of the presentation and the petition will be provided to the Committee Members by Alderman Mary Kiss prior to the commencement of the meeting.

Your anticipated co-operation is appreciated by the residents of Westdale.

Sincerely

J James

Joy James
:jj
c.c. Alderman Mary Kiss

BY FAX: 546-2095

6(a)

HAMILTON-
HALTON
HOME
BUILDERS'
ASSOCIATION

A member of the Canadian Home Builders' Association

1112 Rymal Rd. E.
Tel. 575-3344

By Fax only: 546-2095

June 13, 1996

Planning and Development Committee
City of Hamilton
City Hall
71 Main Street W
Hamilton, Ontario
L8N 3T4

Attn: Stella Glover
Secretary

Re: Roofwater Leaders - Land Drainage By-Law No. 80-245

Dear Ms. Glover:

I understand that a report on Roofwater Leaders - Land Drainage By-law No. 80-245 is being presented at the City's Planning and Development Committee on Wednesday, June 19, 1996. I request you to place me on the agenda as a delegation speaking in support of the report.

Thank you for your anticipated co-operation in this matter.

Yours very truly,

Adi Irani, P.Eng.
Hamilton-Halton Home Builders' Association

faxcopy: - Gabe DeSantis, President HHHBA
- Dan Condon, EO, HHHBA

6(b)

Hamilton Region Conservation Authority

June 13,1996

Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario L8N 3T4

Attention: Stella M. Glover, Secretary

Dear Ms. Glover,

It is my understanding that the Planning and Development Committee will be considering a report regarding "Roof Leaders-Land Drainage By-Law No. 80-245" at their meeting of June 19, 1996. Tony Horvat, P.Eng, of the Planning & Engineering Division, would like to make a brief verbal presentation on behalf of the Hamilton Region Conservation Authority in support of the disconnection of roof leaders in new developments in the City of Hamilton.

Please advise of the time that he should be at the Committee meeting.

Sincerely,

B. Scott Konkle, OALA
Director of Planning & Engineering

pc. T. Horvat,HRCA

6 (c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. Thoms, M.C.I.P.,
Commissioner
Regional Environment Department

L. C. King. P. Eng.
Building Commissioner

SUBJECT: Roof Leaders - Land Drainage By-law No. 80-245
as amended by By-law Nos. 88-09, 88-207 and 93-123
(96.2.4.2.1.A, E205-05)

RECOMMENDATION:

(a) That the City Solicitor be authorized and directed to amend Section 6 of Land Drainage By-law No. 80-245, as amended, to include items (i) to (v) inclusive as follows:

(i) Where a site design is prepared by a Professional Engineer and includes a Stormwater Management Study, and the design is acceptable to the Commissioner of the Regional Environment Department, and approved by the City after 1996 June 25, roof leaders may be discharged to the ground surface; and,

(ii) Where a Stormwater Management Study has been approved for a development, the recommendations in the study must be implemented; and,

(iii) Where roof leaders are not required to be connected to the storm sewer, the roof water shall discharge onto splashpads and then onto grassed and/or landscaped areas at least 0.6 metres from the building face; and,

(iv) The areas of the lot required to be sodded, must be sodded prior to the issuance of a grading certificate; and,

.../2

(v) Roof leaders shall not discharge directly onto a sidewalk or driveway; and,

(b) That the Building Commissioner be authorized and directed to prepare a report to make revisions to the Property Standards By-law No. 94-185, as required, to eliminate any inconsistencies with the recommendations in this report; and,

(c) That the City request that the Region be directed to further review the Ministry of Environment and Energy "Stormwater Management Practices Planning and Design Manual, June 1994" to develop specific stormwater management policies and lot grading guidelines for use within the City of Hamilton.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Stormwater servicing costs within new developments may be reduced as a result of reduced lengths of private storm drains and elimination of rainwater leader risers.

BACKGROUND:

Based upon a report entitled "Stormwater Management Policy for the City of Hamilton" dated 1995 August 10, presented to your Committee on 1995 August 23 by Mr. A. J. Irani, P. Eng., representing the Hamilton Halton Home Builders Association (HHHBA), the Regional Environment Department and the City of Hamilton Building Department were directed to review stormwater management practices within the City of Hamilton as they relate to the Ministry of Environment and Energy (MOEE) "Stormwater Management Practices Planning and Design Manual, June 1994" guidelines. Several meetings were held with the HHHBA, and staff from the City Building, Public Works and Law Departments, the Region's Roads and Environment Departments and the Hamilton Region Conservation Authority to discuss ways of facilitating stormwater drainage in Hamilton while minimizing the negative impact on the environment.

Watershed Areas

Due to the geographical and physical location of Hamilton on Lake Ontario, it's approach to storm drainage in the past has been somewhat unique. The area below the escarpment drains mainly into Hamilton Harbour, while the remainder of the City drains into Red Hill Creek, Twenty Mile Creek, Ancaster Creek and Chedoke Creek.

In the 1970's the City/Region constructed the Red Hill Creek Trunk storm sewer system which provides storm sewer outlets for most of the new neighbourhoods on the mountain that have been developed since 1970. The storm water from this watershed discharges into the Red Hill Creek west of Albion Falls and eventually discharges into the harbour. The trunk sewer for the Red Hill Creek watershed area was designed and built to handle peak flows.

.../3

It should be noted that the Special Projects Office of the Regional Transportation Department is currently in the process of developing a Watershed Plan for the Red Hill Creek Valley in conjunction with the development and construction of the north-south leg of the Red Hill Creek Expressway. This plan, when completed, will further identify constraints required to minimize the environmental impact on the creek and harbour.

MOEE and MNR Requirements

The MOEE has suggested that municipalities incorporate options for stormwater management in the designs of new developments, based on their "Stormwater Management Practices Planning and Design Manual, June 1994" guidelines. As the remaining undeveloped land within the Red Hill Creek watershed area (approx. 15% of the total area) and the lands within the Twenty Mile Creek and Ancaster Creek watershed areas are developed, the design for proposed development within these watershed areas could be prepared using one or more of the design considerations for stormwater retention and/or controls in accordance with the provincial guidelines. Consideration should be given to designs to include stormwater management ponds, surface discharging of water from roof leaders, rainbarrels, storm ceptors, natural watercourses, more open space areas, etc.

The Ministry of Natural Resources (MNR), has imposed conditions of draft plan approvals to include requirements for stormwater management in the City of Hamilton. If the subsequent subdivision design does not satisfy these conditions in accordance with the guidelines as set out by the province, the possibility exists that subdivision approvals may be held up.

The provincial guideline requirements are being required on new development, construction of arterial roads, and new storm sewer systems. The criteria requires that we address stormwater quality and quantity. One method suggested in the manual is to control stormwater runoff at the source - i.e. on the lot. To achieve this, roof water should be allowed to drain directly onto grassed and/or landscaped areas via splashpads, rather than draining directly into the storm sewer. This would tend to help mitigate some of the negative impacts of urban storm drainage by encouraging longer detention times on the ground surface and more infiltration into the ground.

Method of Compliance with MOEE and MNR Requirements

To facilitate this we recommend that where roof leaders are not required to be connected to the storm sewer, the roof water shall discharge onto splashpads at least 0.6 metres from the building face onto grassed and/or landscaped areas and that the lot, except for those areas designated for driveways and landscaping, be sodded prior to the issuance of a grading certificate to the City.

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This requirement will have to be incorporated into the City's development agreements, i.e. Subdivision Agreement, Modified Subdivision Agreement and Lot Grading Agreement. The effects of erosion, soil movement, infilling of swales and muddy conditions on the lot will therefore be minimized.
As a result, new developments in Hamilton will conform to the intent of the Ministry's guidelines. The practice of roof leaders draining onto the ground is in use in all other area municipalities in this Region, as well as surrounding areas (Halton, Niagara, Peel, Kitchener-Waterloo and Haldimand-Norfolk).

Land Drainage By-law No. 80-245

Stormwater from roof leaders is governed by Land Drainage By-law No. 80-245. Section 6 of the current Land Drainage By-law No. 80-245, as amended, and dated 1993 May 25, requires that all structures with a horizontal roof area of greater than 50m² shall be connected to storm sewers where separate storm and sanitary sewers are available and the storm sewer system on the street was constructed after 1970 and the structure is erected after 1987. Excluded from the above provisions are plans of subdivision registered prior to January 30, 1988 and buildings other than single family and two family dwellings and accessory buildings where the owner of the building supplies a site design prepared by a Professional Engineer and the design is approved by the Commissioner of Transportation/Environmental Services.

To incorporate the MOEE guideline with respect to draining roof water overland, it will be necessary for the City to amend Land Drainage By-law No. 80-245, since in its present form it contradicts the Ministry's guidelines with respect to roof leaders.

Advantages and Disadvantages for
Discharging Roof Water to the Ground Surface

There are several advantages and disadvantages to allowing stormwater from roof leaders in new developments to flow onto grassed and/or landscaped areas rather than directly into the storm sewers.

Advantages

- increased potential for groundwater recharge;
- improvement of water quality through natural filtration;
- runoff is slowed down, thereby reducing erosion;
- improved fish habitats due to less sediment build-up, stream erosion etc.
- reduction of maintenance costs at the lower end of the storm drainage systems, i.e. less sediment to be removed from sewers and creeks;

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- removes the potential for home renovators to mistakenly connect toilets to the storm sewer system, therefore reducing the number of potential cross connections;
- less expensive than end-of-pipe treatment of stormwater;
- developments could conform to some of the design criteria in the MOEE guidelines;
- reduced risk of sewer surcharging and flooded basements due to backups;
- sodding the lot prior to the issuance of a grading certificate will prevent soil movement and the infilling of swales;
- there may be a reduction in the cost of new homes due to reduced lengths of underground drainage pipes and risers required;
- if sewers are designed to our current standards, there may be additional capacity in the pipe during higher peak flow periods;

Disadvantages

- results in a perceived lower level of service to the homeowner;
- may create an increase in nuisance and liability problem, particularly during the winter season due to icing;
- possibility of water ponding on grassed areas until it has time to infiltrate into the ground, thereby restricting backyard use;
- discharging water from roof areas overland will not be easily adaptable to lots zoned with zero lot line designations, i.e. obstructions by discharge pipes and splashpads, filling of swales on the access side (1.2m side) of the lot, drainage on to adjacent lots;
- neighbour disputes may increase if water is subsequently redirected by one homeowner on to another homeowner's property;

The above disadvantages can be minimized in new areas by proper design and construction.

Generally, discharging the roof water to grassed and/or landscaped areas rather than directly into the storm sewers, will reduce the peak storm water runoff, but not necessarily the total volume of storm water runoff. The reduction will vary with soil type, density of the land use, slope of the land, duration of the rainfall, air temperature, and moisture conditions preceding the rainfall.

Building construction costs may be reduced slightly if the roof water is discharged onto grassed and/or landscaped areas. The savings are, in most cases, relatively small because the majority of buildings require foundation drains which in most cases are connected to the storm sewer.

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ENVIRONMENTAL CONSIDERATIONS:

The City of Hamilton, together with the Hamilton-Wentworth Region, enjoy international acclaim with the designation of the United Nations as a model community. The City and Region have invested a large amount of capital funds toward the clean up of Hamilton Harbour and Cootes Paradise. It would be consistent with these efforts to enable new development to be more compatible with these efforts.

On 1995 December 19, Regional Council approved Item 11 of the Thirteenth Report of the Environmental Services Committee which states:

a) That the provincial policy respecting storm water on sites be supported;

b) That the Regional Environmental Advisory Committee's position respecting storm water on sites, be endorsed;

c) That the area municipalities be advised of Regional Council's position on storm water on sites and they be requested to consider amending their respective local stormwater by-laws to allow flexibility regarding sewer connections in new developments where systems can be designed with the provincial policy in mind;

d) That staff be requested to investigate the concept of a blue barrel type of system for roof leader drain water collection systems.

It is recommended that the above mentioned provincial guidelines, as endorsed by Regional Council, be accepted at the City level. It is our opinion however, that due to the nature of the soil conditions above the escarpment, being predominately clay, which requires a significantly longer period of time for infiltration to occur as compared with sandy or granular type soil conditions, some of the methods suggested in the provincial guidelines may not work adequately in some locations and may not be adapted to meet our requirements.

Surface drainage is the responsibility of the City, whereas the storm sewers in the City of Hamilton are owned and maintained by the Region. Since surface runoff has a direct impact on the Region's storm sewers, the Region has a vested interest in whether the roof leaders discharge onto the ground or directly into the storm sewer.

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Therefore, to assist staff in the review process of designs, reports and studies that will be required in new developments, as a result of the provincial guidelines, we are recommending that the City request the Region to engage the services of a consultant to conduct a study, complete with public consultation, to prepare a comprehensive manual of stormwater management practices and policies for the City of Hamilton. This study will provide design guidelines for storm servicing facilities, lot grading and drainage. It will also examine problematic areas such as zero lot line zonings where draining water onto the side yard area is less desirable due to the limited space available for swales and sidewalks. The estimated cost of this study is $50,000.

SUMMARY

In order for the City to implement some of the MOEE guidelines, it is recommended that where a site design is prepared by a Professional Engineer and includes a Stormwater Management Study and the design is acceptable to the Commissioner of the Regional Environment Department, roof leaders in all new developments, approved by the City after 1996 June 25, may be discharged to the ground surface. Where a Stormwater Management Study is prepared for a development, the recommendations in the study must be implemented.

In addition, where roof leaders are not required to be connected to the storm sewer, the roof water shall discharge onto splashpads at least 0.6 metres from the building face onto grassed and/or landscaped areas and that the lot, except those areas designated for driveways, be sodded prior to the issuance of a grading certificate. Roof leaders shall not discharge directly onto a sidewalk or driveway due to the safety hazard created during the months when freezing will occur.

Since the additional volume of water from the rainwater leaders may affect the lot grading design, we further recommend that to assist staff in the review process of designs, reports and studies that will be required in new developments, as a result of the provincial guidelines, we are recommending that the City request the Region to fund an estimated amount of $50,000, to engage a consultant to review stormwater management practices and develop appropriate lot grading guidelines to be used within the City of Hamilton to increase design flexibility within new developments.

GP/CAU/LCK

cc. P. Noé Johnson, Law Department
cc. A. Ross, Treasury Department
cc. L. Gohier, Regional Environment Department
cc. D. Lobo, Public Works and Traffic Department

8 (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Amendment to By-Law 92-093 respecting fees to the Committee of Adjustment (96.2.4.2.1.A, 96.2.4.3.2)

RECOMMENDATION:

(a) That a fee of $800, including certification be set for a consent application to the Committee of Adjustment under Section 53 of The Planning Act, ; and,

(b) That the City Solicitor be authorized and directed to prepare the appropriate By-Law amendment to By-Law No. 92-093, respecting fees payable for applications to the Committee of Adjustment.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Presently, the administration of consent applications can be absorbed by the Building Department without any disruption of service, in that consent applications frequently, are undertaken in conjunction with other development applications, i.e. minor variances, rezonings, which will result in less customer confusion and increased efficiencies. This is also consistent with the Department's one stop service initiatives.

It was initially envisioned that one half of an additional staff person would be required. However, utilization of existing staff will be attempted, and it is anticipated that there will be a corresponding operational saving. The existing total fee of $900 ($800 and $100 for certification) presently charged by the Regional Land Division Committee, is proposed to be reduced to $800 to the benefit of developers and individual applicants. This reduction can be accommodated with no negative financial impact.

It is anticipated that annualized revenue would be approximately $75,000 a year, while the Building Department administration costs would amount to $50,000 per year, for a net savings to the City of $25,000.

BACKGROUND:

On 1995 September 11, a recommendation was submitted to the Planning and Development Committee and was subsequently approved by City Council on 1995 September 26 as follows:

5. (a) That City Council request Regional Council to delegate the authority for consents to the City of Hamilton.

   (b) That upon delegation of authority for consent from Regional Council, City Council delegate, by by-law, the authority to the Committee of Adjustment.

   (c) That the Building Department be responsible for the processing and administration of applications for consent. The Planning Department would be responsible for providing cartographic support services to the Building Department on a cost-for-service basis where required.

   (d) That the City Clerk notify the Regional Clerk and the Regional Commissioner of Planning and Development of Council's decision.

On 1996 January 24, a recommendation was submitted to the Planning and Development Committee and was subsequently approved by City Council on 1996 January 30 as follows:

21. (a) That the City Council request the Region of Hamilton-Wentworth to implement the previously requested delegation of authority for consents to the City of Hamilton effective 1996 May 1; and,

(b) That the City Clerk notify the Regional Clerk and the Regional Commissioner of Planning and Development of Council's decision.

On 1996 May 7, Regional Council authorized approval for consent applications to be delegated to the City of Hamilton, effective 1996 July 1.

It is necessary that a land severance fee be established in order to cover the administration of consents.

LCK/PF/sb

c.c. Allan C. Ross, Treasurer
c.c. P. Noé Johnson, City Solicitor

8 (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P.Eng.
Building Commissioner

SUBJECT: Review of Rehabilitation Loan Programs (96.2.4.2.1.A)

RECOMMENDATION:

(a) That a review of the City administered rehabilitation loan programs be undertaken with a view to streamlining and strengthening policies and procedures, and focussing and maximizing the goals and benefits of the loan programs; and,

(b) That the review be conducted by an inter-departmental staff team convened and chaired by the General Manager, Housing and Loans Division, Building Department; and,

(c) That a recommendation report from the Building Commissioner on the loan programs be brought back to the Planning and Development Committee by 1996 November 1.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The City of Hamilton, through the Housing and Loans Division, Building Department administers a variety of loan programs, funded wholly or in part by one or more levels of government including the City. These programs have contributed greatly toward the rehabilitation of aging housing stock, improvement of commercial areas, creation of accessibility for the physically disabled, and preservation of heritage buildings. However, a paradigm shift is occurring in the program environment, with governmental priorities and funding changing. Some of our programs need to be re-visited to test their relevancy and appropriateness in terms of policies and procedures.

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It is time to look at all regulations to see if they actually achieve what they were put in place to do with the objective of keeping regulations that are working, and changing or eliminating those that do not work.

A "continuous improvement" program further to measures already taken in the past two years, could be undertaken to streamline the programs so that they can be administered with significantly less resources than were available in previous years.

A number of concerns have developed related to loan practice and procedures and the urban economy in the areas of vulnerability to default and loan securities, with the current amount of loans in default totalling $116,683 for the Commercial Property Improvement Loan Program. This, however, must be contrasted against the positive records of the program in which 92% of the borrowers are making their repayments and 60 buildings in the City's Business Improvements Areas have been rehabilitated.

In order to attain a comprehensive understanding of the programs, and make sound recommendations with the benefit of an inter-disciplinary perspective, the Building Department recommends that appropriate staff from the Law Department, Treasury Department, Public Works and Traffic Department, Planning Department, and Building Department meet regularly over the next few months to complete a review.

The programs are Hamilton Rehabilitation Assistance Program (H.A.R.P); Hamilton Emergency Loan Program (H.E.L.P.); Retaining Walls; Commercial Property Improvement Loan Program; Recycle Program; Community Heritage Trust Funds Program; Ontario Home Renewal Program; Hamilton Handicapped Program; Second Level Lodging Home Program; Designated Property Grants; Municipal Termite Loan Program, Residential Rehabilitation Assistance Program (RRAP).

LCK/MM/dc

c.c. P. Noé Johnson, City Solicitor
A.C. Ross, Treasurer
D. Lobo, Commissioner of Public Works and Traffic
V.J. Abraham, Director of Planning

9(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 12
4498

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Bill 20 - Land Use Planning and Protection Act, 1996

RECOMMENDATIONS:

(a) That the City Solicitor prepare a by-law incorporating the necessary amendments to the procedural By-law in accordance with the Municipal Act which delegates the responsibility for holding public meetings to the Planning and Development Committee to include responsibility for public meetings on subdivision applications; and,

(b) That the City of Hamilton, on behalf of the Region, give notice and hold the formal public meeting with respect to Draft Plans of Subdivision.

(c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

V.J. Abraham J.G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Under the provisions of Bill 20, local municipalities can assume many of the development review and approval functions presently performed by senior levels of government. As such, Bill 20 will provide for greater autonomy in local decision making.

BACKGROUND:

On April 3, 1996, ***Bill 20 - "An Act to promote economic growth and protect the environment by streamlining the land use planning and development system through amendments related to planning, development, municipal and heritage matters"*** received Royal Assent. The parts of Bill 20 dealing with the Planning Act were proclaimed on May 22, 1996 and as such are now in effect.

Bill 20 "combines a number of legislative amendments to various acts dealing with land-use planning and development. In general, the amendments contained in Bill 20 will authorize greater decision-making powers for municipalities and remove unnecessary regulation". The primary legislation to be amended by Bill 20 are:

(i) the Planning Act;
(ii) the Development Charges Act;
(iii) the Ontario Heritage Act;
(iv) the Assessment Act; and,
(v) the Municipal Act.

The explanatory note of Bill 20 is attached as APPENDIX "A".

A background information report on Bill 20 was presented to the Planning and Development Committee at its meeting of January 24, 1996.

SYNOPSIS OF PROPOSED CHANGES BILL 20:

As a result of comments received on the proposed legislative amendments contained in Bill 20, several changes have been made. While the majority of these changes are technical in nature intended to clarify the legislation, the more significant changes are presented below:

1. Committee of Adjustment

   The Province had originally proposed to eliminate the direct appeals of minor variance and consent decisions to the Ontario Municipal Board. These provisions have been eliminated and the existing appeal system to the Ontario Municipal Board has been retained.

2. Accessory Apartments (Bill 120)

   As noted in the previous staff report, upon proclamation of Bill 20, those portions of Bill 120 dealing with accessory units will be repealed. Specifically, accessory apartments will no longer be permitted on a provincial basis in any urban residential zone which permits

single detached, semi-detached or row/townhouse units. Rather, it will be left to each municipality to determine the requirements, conditions and criteria for where apartment conversions will be permitted.

In addition, the Province is proposing to amend the Municipal Act to enable municipalities to establish a registration system for both new and existing accessory apartments.

The Province has clarified those sections of Bill 20 dealing with **existing accessory apartments**. These units will be "grandfathered" and will continue as permitted uses provided that:

i) the unit must have met municipal zoning by-laws, as modified by Bill 120 (e.g., provision of required parking);

ii) a building permit was issued to permit the erection, alteration, occupancy or use of the house for two residential units; and,

iii) the building permit has not been revoked under Section 8 of the Building Code Act.

Prior to the enactment of Bill 120, the City of Hamilton had adopted a Residential Intensification study and a series of implementing zoning by-law amendments. These changes were developed by Planning and Development Department and Building Department staff to reflect local circumstances in providing for residential intensification opportunities. With the repeal of Bill 120, the conversion of dwellings to create accessory apartments will revert back to the existing requirements of the City of Hamilton Zoning By-law.

3. Public Meeting for Plans of Subdivisions

The statutory requirement for a public meeting for plans of subdivision created through Bill 163 has been removed. Under Bill 20, a public meeting must be held if required by regulation.

In accordance with Ontario Regulation 146/96, **public meetings will still be required for plans of subdivision.** However, as the Region of Hamilton-Wentworth is the approval authority, they will be required to hold the public meeting unless Regional Council passes a by-law authorizing area municipalities to hold the prerequisite meeting.

The Development Division of the Regional Environment Department, has advised that they will be preparing a report and draft by-law to maintain the existing system whereby the area municipalities hold the required public meeting on behalf of the Region. It is anticipated that the Region will adopt a new procedural by-law in accordance with Bill

20 in June, 1996.

It is the usual practise for the City of Hamilton to consider a proposed plan of subdivision simultaneously with the rezoning, and if necessary, official plan amendment (OPA) application such that all aspects of the proposed development can be considered concurrently. Furthermore, it is Council policy to require the posting of a sign on a property that is subject to a subdivision application to serve as an additional mechanism to advise residents when a development proposal is being considered by the City.

4. Public Meetings - Consent Applications

A consent application can be either to create a new lot or to create an easement over a property. Bill 20 revises the Planning Act such that the requirement for a public meeting is to be prescribed through Regulation, rather than in the Planning Act.

Ontario Regulation 197/96 (consent applications) requires that a notice of application be circulated to all assessed owners and tenants within 60 m. of the subject lands. In addition, the information requirements for public notices for consents is different from that of minor variances.

Specifically, the public notice must advise that the **OMB may dismiss an appeal** of the Committee's decision on a consent application if the **appellant did not make a written submission** at the public meeting or written submission at or before the Committee's meeting.

5. Circulation Requirements - Minor Variances

The regulation for minor variances (Ontario Regulation 200/96) establishes two different circulation requirements for minor variance applications. The requirements are as follows:

a) a 30 metre circulation area where the prevailing zoning by-law has restricted the use of the land to detached, semi-detached or duplex housing; and,

b) a 60 metre circulation area for all other applications.

In addition, the regulation establishes the prescribed information requirements and, as such, it will be necessary to revise the Committee of Adjustment application form in accordance with the Ontario Regulation 200/96.

SYNOPSIS OF CHANGES TO THE PLANNING ACT:

In addition to the above changes to the Planning Act, Bill 20 makes additional changes intended "to streamline the planning process, give greater autonomy to municipalities and protect the

environment within the context of economic development". The following is a synopsis of the more significant amendments to the Planning Act.

1. Application Review Time Frames

In announcing the proposed revisions to the Planning Act, the Province indicated that the changes will "cut maximum approval times in half". The amount of time available for the circulation and technical review have been significantly reduced. The revisions establish the following time frames for a decision by Council:

	CURRENT (Bill 163)	**REVISED (Bill 20)**
Official Plan Amendments	180 days	90 days
Rezoning Applications	90 days	90 days
Plans of Subdivision	180 days	90 days
Consent Applications	90 days	60 days

A standard 90 day time frame has been established for OPAs, rezonings and plans of subdivision.

As part of the streamlining initiatives, Bill 20 removes the requirement of a 14 day "cooling-off" period between the public meeting and Council decision on a proposed OPA. This requirement was enacted as part of Bill 163. The waiting period was problematic in that it tied up the zoning process if there was an associated OPA. In the City of Hamilton, under Bill 20 there will be a minimum of 6 days between the public meeting and Council adoption, which is the City's current practise.

In addition, the Clerk is now required to give notice of the passage of a zoning by-law within 15 days. At present, there is no requirement in the Planning Act regarding the time period in which notice must be given. The 15 day requirement was previously in the Planning Act and is being restored as part of the overall streamlining measures in Bill 20.

2. Complete Applications

The "complete application" concept was introduced in Bill 163. The Province is

revising the Planning Act such that applicants for an official plan amendment or an amendment to the zoning by-law are required to submit all the information or material that is prescribed. In addition, if the prescribed material or information is not provided, Council may refuse to accept or further consider an application. In addition, the time period before an application can be appealed to the OMB will not begin until the "complete application" has been submitted to the municipality.

3. Public Participation - Dismissal of Appeals

As part of the streamlining reforms, Bill 20 amends the Planning Act so that the OMB may dismiss an appeal of an Official Plan Amendment or Zoning By-law Amendment if an appellant did not make an oral submission at the public meeting or written submission before the OPA/ZBA is adopted. This provision was enacted in Bill 163 for OPAs only and has now been extended to include zoning by-law amendments.

To facilitate this process, the Planning Act requires that information is made available to the public at the required public meeting regarding the power of the OMB to dismiss an appeal. The City Solicitor has advised that it is now necessary to advise the public of the powers of the OMB to dismiss an appeal if an appellant does not make a written or oral submission. In accordance with the applicable Ontario Regulations, the notice of a public meeting must include a statement that advises that if a person or public body that files an appeal of a decision of the City of Hamilton in respect of the proposed official plan amendment and/or zoning by-law does not make written submission to the City of Hamilton before the proposed official plan amendment and/or zoning by-law is adopted, the Ontario Municipal Board may dismiss all or part of the appeal.

The exact wording of the applicable Ontario Regulation for OPAs, rezonings, subdivisions and consent applications have subtle differences. As such each notice must contain the wording specific to the applicable regulation.

4. Official Plan Amendment Approvals

In addition to reduced time frames, the Planning Act has established an alternative method of processing Official Plan Amendments (OPA's). The alternative process treats Official Plan Amendments similar to zoning by-law amendments in that the decision of the respective Council would be final if no objections were received. In the Hamilton context, as an example, this would eliminate the need for the City of Hamilton to forward an Official Plan Amendment to the Region of Hamilton-Wentworth for approval where there are no objections.

Under the existing system, Planning and Development Department staff are required to compile a detailed "record" which is forwarded to the Region along with the OPA

document and other background material (e.g. copies of technical reports, Committee minutes, statutory declarations by the City Clerk, etc). The majority of amendments to the Hamilton Official Plan are very minor and of a technical nature, generally pertaining to new development activity. This current process requires a considerable amount of staff time at both the City and Regional level.

Furthermore, the Planning Act now enables entire new Official Plan documents to be exempted from approval from the respective approval authority, provided no objections are received. If the City was permitted an exemption, then the new Hamilton Official Plan, which is currently being prepared by staff, would not require the formal approval of the Region of Hamilton-Wentworth.

The alternative approval system for both Official Plan Amendments and new Official Plan have considerable merit. In this regard, it would be appropriate for staff to negotiate with the Region for an exemption for both Official Plan Amendments and the new Official Plan. "Exemptions" would appear to streamline the planning approvals system in the City of Hamilton and reduce staff time for administrative matters.

5. Compliance with Provincial Policy

Section 3 of the Planning Act has been amended to return to the requirement that local planning authorities' decisions "**have regard to**" provincial policy statements. The Province had previously amended the Planning Act to require that planning decisions made by municipalities to be "**consistent with**" provincial policy. However, there were concerns that this requirement was too restrictive and did not allow for any local flexibility in implementing the policies. Furthermore, within the City of Hamilton, the "**have regard to**" provision has not resulted in any problems in the past given the City's commitment to proactive implementation of provincial policies on matters such as affordable housing and residential intensification.

In order to facilitate the transition, Bill 20 states that if no decision has been made on an application made after March 28, 1995, then the "**have regard for**" provision will apply instead of the requirement that municipal decisions be "**consistent with**" the applicable provincial policy statements.

6. Provincial Appeals

As part of the revisions to the Planning Act, where a Provincial Ministry has objections to a proposed development, then that Ministry will have to request the Minister of Municipal Affairs and Housing (MMAH) to appeal the matter to the Ontario Municipal Board. Direct appeals by a Provincial Ministry to the OMB will not be permitted. For example, the Ministry of Environment and Energy or the

Ministry of Natural Resources will not be able to appeal a matter to the Ontario Municipal Board. Rather, the ministries will have to request that the Minister of Municipal Affairs and Housing review the matter and make a decision as to whether or not it should be referred to the OMB.

Given that the Region of Hamilton-Wentworth has now assumed the Provincial role in reviewing development applications, the single appeal Ministry is in effect the Region. **The Regional Environment Department now comments on behalf of the Provincial Ministries and will appeal matters to the OMB on behalf of the Provincial Ministries** , and, as such the system in Hamilton-Wentworth will operate the same as MMAH being the only provincial appeal body.

SYNOPSIS OF PROPOSED CHANGES TO PROVINCIAL POLICIES:

In addition to revising the Planning Act, the Province has replaced the **"Comprehensive Set of Policy Statements"** (CSPS) document with a more succinct set of policies issued under the title **"Provincial Policy Statement"** (**PPS**). Generally, the CSPS focused on environmental protection by restricting new suburban development and promoting reurbanization, while the PPS, in keeping with the intent of Bill 20, is oriented towards facilitating development activity.

The emphasis on planning through comprehensive growth management is not as strong in the PPS as the CSPS. The emphasis of the new policies is more on economic growth and less on managing development. Many of the policies that were in the CSPS have been deleted and other policies have been amended. The major changes proposed are summarized below:

- The requirement that municipalities provide opportunities for 30% affordable housing in residential areas has been deleted. Essentially, the Province is leaving the level and method of providing affordable housing up to individual municipalities;

- The overall philosophy behind the CSPS was to direct new growth to the existing built-up urban areas. The intent of the PPS is to allow for new growth throughout a municipality in both undeveloped suburban areas as well as built-up urban areas;

- In exercising planning decisions, municipalities will have to give consideration to "preserving the vitality of commercial areas". However, this wording is vague and goes beyond the previous emphasis of CSPS policy regarding downtowns which focused on "the well-being ...of downtowns". The new policy will apply equally to existing commercial development along Upper James St. as the downtown area, or, alternatively competition between traditional retailing activities and new-format retailing (eg "big-box" retailers, "power centres");

- The previous Wetlands Provincial Policy Statement, which was incorporated into the CSPS, prohibited development within a buffer zone around the wetland. This has been replaced by a general prohibition on development in "significant portions of the habitat of endangered and threatened species, and in significant wetlands south and east of the Canadian Shield"; and,

- The requirement that planning decisions promote pedestrian access and the vibrancy of downtowns has been removed.

The PPS is approximately half the length of the CSPS and are written in manner that is considerably more flexible and sensitive to local circumstances. Furthermore, combined with the change to Section 3 of the Planning Act, municipalities will have significantly greater autonomy in local municipal planning decisions.

PLANNING COMMENTS:

The package of planning reforms released by the Minister of Municipal Affairs and Housing revises many elements of the previous planning reforms contained in Bill 163. Rather than repealing Bill 163, the Province, as noted in the background material to Bill 20, has initiated a series of amendments to the Planning Act intended to further streamline the approvals process and promote economic growth while still providing for environmental protection.

The changes to the Planning Act and the introduction of revised Provincial Policy Statements will create a system of municipal planning where local municipalities themselves will establish the planning policy framework in which they operate with minimal Provincial direction. This is clearly desirable as it restores local autonomy in decision making and allows municipalities to determine what is best for their communities.

CONCLUSION:

As a result of the changes to the Planning Act, it will be necessary to revise the City's procedural by-law in order for the Planning and Development Committee to hold the public meeting for plans of subdivision. City Council previously agreed to hold the public meeting but changes to the procedural by-law were tabled when the Province advised in 1995 of their intentions to revise the Planning Act, as amended by Bill 163.

Prior to the Region delegating Official Plan approval authority to the City, it will be necessary for the City and Region to develop a protocol agreement to ensure that Regional and Provincial concerns are adequately addressed as part of the technical circulation and review of the proposed OPA. As such, Planning and Development staff will be meeting with Regional staff on this matter and will advise the Planning and Development Committee accordingly.

SR-KE/sr

EXPLANATORY NOTES

PART I
PLANNING ACT

Numerous changes are made to the planning process. The major changes are as follows:

1. The definition of "public body" has been limited in scope for the purpose of filing appeals and may be further limited by regulation. (Section 1 of the Bill)

2. The power to prescribe "other matters" to be of provincial interest for the purpose of section 2 has been removed. (Section 2 of the Bill)

3. The criteria for exercising any authority that affects planning matters has been changed to "have regard" to policy statements from the previous "be consistent with" standard. (Section 3 of the Bill)

4. The power of the Minister to exempt a plan or proposed official plan amendment from an approval by an approval authority cannot be delegated to council or further delegated by council. (Sections 4 and 5 of the Bill)

5. The Minister is given the power to delegate his or her powers to a planning board without its request if the board has an official plan. (Section 4 of the Bill)

6. Subsections 16 (2), (3) and (4) of the Act (which disallow any provision in an official plan that would prohibit the erection or use of two-unit residential houses) have been repealed. (Section 8 of the Bill). Other provisions in the Act dealing with two-unit residential houses have also been repealed (8 (2), 19 (1), 21, 28 (5) of the Bill.) The repealed provisions continue to apply to houses that contained two residential units on November 16, 1995. (Section 42 of the Bill)

7. The power to prescribe the contents of official plans, in addition to those set out in section 16 of the Act, has been removed. (Section 8 of the Bill)

8. Section 17 of the Act is repealed and replaced. Counties that are covered by an official plan that comes into effect on or after the amendments to the *Planning Act* come into force, will become the approval authority with respect to the plans of local municipalities and amendments to their official plans.

   The Minister is authorized to exempt plans and official plan amendments from his or her approval. The Minister can authorize other approval authorities to exempt plans and amendments covering land within their jurisdiction from their approval.

   A plan that is adopted by council and that is exempted from approval may be appealed to the Municipal Board for a final decision.

   A plan that is not exempt from approval can be appealed to the Municipal Board after 90 days from the day it is received by the approval authority. (Section 9 of the Bill)

9. The time frames for appeal rights to be established at different steps in the processing of requests for amendments to official plans have been reduced. There is a right to appeal to the Municipal Board if the council or planning board does not make a decision on a request

NOTES EXPLICATIVES

PARTIE I
LOI SUR L'AMÉNAGEMENT DU TERRITOIRE

De nombreuses modifications sont apportées au processus d'aménagement. Les plus importantes sont les suivantes :

1. La portée de la définition de «organisme public» est réduite aux fins de l'interjection d'appels et peut être réduite davantage par règlement. (Article 1 du projet de loi)

2. Le pouvoir de prescrire «d'autres questions» comme étant d'intérêt provincial pour l'application de l'article 2 est supprimé. (Article 2 du projet de loi)

3. Le critère relatif à l'exercice de pouvoirs qui touchent des questions relatives à l'aménagement devient «tenir compte» des déclarations de principes en remplacement de la norme précédente de «conformité» à celles-ci. (Article 3 du projet de loi)

4. Le pouvoir qu'a le ministre de soustraire un plan ou une modification proposée à un plan officiel à l'exigence voulant qu'il soit approuvé par une autorité approbatrice ne peut être délégué à un conseil ou subdélégué par celui-ci. (Articles 4 et 5 du projet de loi)

5. Le ministre est investi du pouvoir de déléguer ses pouvoirs à un conseil d'aménagement en l'absence de demande de ce dernier si le conseil est doté d'un plan officiel. (Article 4 du projet de loi)

6. Les paragraphes 16 (2), (3) et (4) de la Loi (qui ne permettent aucune disposition d'un plan officiel qui interdirait l'édification ou l'utilisation de maisons d'habitation à double logement) sont abrogés. (Article 8 du projet de loi). D'autres dispositions de la Loi qui traitent des maisons d'habitation à double logement sont également abrogées. (Paragraphes 8 (2) et 19 (1), article 21 et paragraphe 28 (5) du projet de loi). Les dispositions abrogées continuent de s'appliquer aux maisons qui contenaient deux unités d'habitation le 16 novembre 1995. (Article 42 du projet de loi)

7. Le pouvoir de prescrire le contenu des plans officiels, outre les éléments énoncés à l'article 16 de la Loi, est supprimé. (Article 8 du projet de loi)

8. L'article 17 de la Loi est abrogé et remplacé. Les comtés visés par un plan officiel qui entre en vigueur à la date d'entrée en vigueur des modifications apportées à la *Loi sur l'aménagement du territoire* ou par la suite, deviennent l'autorité approbatrice à l'égard des plans des municipalités locales et des modifications de leurs plans officiels.

   Le ministre est autorisé à soustraire des plans et des modifications des plans officiels à l'exigence voulant qu'ils soient approuvés par lui. Le ministre peut autoriser d'autres autorités approbatrices à soustraire des plans et des modifications visant les terrains qui relèvent de leur compétence à l'exigence voulant qu'ils soient approuvés par elles.

   Le plan qui est adopté par un conseil et qui est soustrait à l'exigence voulant qu'il soit approuvé peut faire l'objet d'un appel devant la Commission des affaires municipales aux fins d'une décision définitive.

   Le plan qui n'est pas soustrait à l'exigence voulant qu'il soit approuvé peut faire l'objet d'un appel devant la Commission des affaires municipales après que 90 jours se sont écoulés depuis le jour de la réception du plan par l'autorité approbatrice. (Article 9 du projet de loi)

9. Les délais prévus qui doivent s'écouler avant que ne soient conférés des droits d'appel à diverses étapes du traitement des demandes de modification des plans officiels ont été réduits. Il peut être interjeté appel devant la Commission des affaires municipales si le conseil ou

for an amendment within 90 days after the day the request is received. (Section 13 of the Bill)

10. The authority of a council to prohibit all uses of land or the construction of all classes of buildings is removed. (Section 20 of the Bill)

11. Applicants for amendments to zoning by-laws are required to submit all the information or material that is prescribed.

    If the prescribed material or information is not provided, the council may refuse to accept or further consider an application and the time period before a right of appeal to the Municipal Board will arise does not begin. (Section 20 of the Bill)

    The Municipal Board is given the power to dismiss an appeal if the appellant has not provided the council with oral or written submissions before the by-law is passed. (Section 20 of the Bill)

12. Local municipalities may require the conveyance of land for a public transit right of way as a condition of the approval of a site plan if this is provided for in the official plan. (Section 24 of the Bill)

13. The Township of Pelee in the County of Essex is assigned the authority to give consents. Consequently, it is also given the authority to approve the exercise of power of sale and foreclosure and the authority to issue certificates for the validation of title. (Section 27 of the Bill)

14. Municipalities that have the authority to approve plans of subdivision are also given the authority to approve by-laws exempting lands from part lot control. An approval is not required if the council that passes the by-law also has the authority to approve plans of subdivision covering the same land. (Section 27 of the Bill)

15. Several counties are assigned the authority to approve plans of subdivision that cover lands within their jurisdiction.

    Other counties will be given the authority to approve plans of subdivision once all or part of a plan that covers all of the county comes into effect as the official plan. This date cannot be sooner than the day that this amendment to the *Planning Act* comes into force. (Section 28 of the Bill)

16. Notice of an application in respect of a proposed plan of subdivision will only be required to be given if this is prescribed. (Section 28 of the Bill)

17. If no decision is made by the approval authority any person or public body may file an appeal in respect of a proposed plan of subdivision 90 days after the application is submitted. (Section 28 of the Bill)

18. Notice of an application for a consent to sever land will only be required to be given if this is prescribed. (Section 29 of the Bill)

    If no decision is made, any person or public body may file an appeal in respect of a request for a consent 60 days after the application is submitted. (Section 29 of the Bill)

19. Any matter or proceeding that was commenced on or after March 28, 1995 but before the amendments set out

le conseil d'aménagement ne prend pas de décision à l'égard d'une demande de modification dans les 90 jours qui suivent le jour de réception de la demande. (Article 13 du projet de loi)

10. Le pouvoir d'un conseil d'interdire toutes les utilisations du sol ou la construction de toutes les catégories de bâtiments est supprimé. (Article 20 du projet de loi)

11. Les auteurs de demandes de modifications des règlements municipaux de zonage sont tenus de présenter les renseignements et les documents prescrits.

    Si les documents ou les renseignements prescrits ne sont pas fournis, le conseil peut refuser une demande ou refuser d'en poursuivre l'examen et le délai prévu qui doit s'écouler avant que ne soit conféré le droit d'interjeter appel devant la Commission des affaires municipales ne commence pas à courir. (Article 20 du projet de loi)

    La Commission des affaires municipales est investie du pouvoir de rejeter un appel si l'appelant n'a pas fourni d'observations orales ou écrites au conseil avant l'adoption du règlement municipal. (Article 20 du projet de loi)

12. Les municipalités locales peuvent exiger la cession d'un terrain au titre de l'emprise des transports en commun comme condition à l'approbation d'un plan d'implantation si ceci est prévu dans le plan officiel. (Article 24 du projet de loi)

13. Le canton de Pelee dans le comté d'Essex est doté du pouvoir d'accorder des autorisations. En conséquence, il est également doté du pouvoir d'approuver l'exercice du pouvoir de vente et la forclusion et de délivrer des certificats de validation de titre. (Article 27 du projet de loi)

14. Les municipalités qui ont le pouvoir d'approuver des plans de lotissement sont dotés du pouvoir d'approuver des règlements municipaux soustrayant des terrains à la réglementation de parties de lots. L'approbation n'est pas nécessaire si le conseil qui adopte le règlement municipal a également le pouvoir d'approuver les plans de lotissement qui visent le même terrain. (Article 27 du projet de loi)

15. Plusieurs comtés sont dotés du pouvoir d'approuver des plans de lotissement qui visent des terrains relevant de leur compétence.

    D'autres comtés auront le pouvoir d'approuver des plans de lotissement une fois que la totalité ou une partie d'un plan qui vise la totalité du comté entre en vigueur à titre de plan officiel. Cette date ne peut être antérieure au jour de l'entrée en vigueur de cette modification à la *Loi sur l'aménagement du territoire*. (Article 28 du projet de loi)

16. L'avis d'une demande à l'égard d'un plan de lotissement proposé ne doit être donné que s'il est prescrit de le faire. (Article 28 du projet de loi)

17. Si aucune décision n'est prise par l'autorité approbatrice, une personne ou un organisme public peut déposer un appel à l'égard d'un plan de lotissement proposé 90 jours après que la demande est présentée. (Article 28 du projet de loi)

18. L'avis d'une demande d'autorisation de séparer un terrain ne doit être donné que s'il est prescrit de le faire. (Article 29 du projet de loi)

    Si aucune décision n'est prise, une personne ou un organisme public peut déposer un appel à l'égard d'une demande d'autorisation 60 jours après que la demande est présentée. (Article 29 du projet de loi)

19. Les affaires ou procédures introduites le 28 mars 1995 ou par la suite, mais avant l'entrée en vigueur des

in this Bill come into force shall be completed according to the same process under which it was commenced.

However, if no decision has been made in respect of the matter or proceeding, then the "have regard to" standard in subsection 3 (5) regarding policy statements will apply to the exercise of any authority instead of the requirement that a decision be "consistent with" the policy statements. A decision includes the adoption of a plan by council or the passing of a by-law. (Section 41 of the Bill)

PART II
OTHER AMENDMENTS

Assessment Act

Section 53 of the *Assessment Act*, which deals with the disclosure of information, is repealed. The new section 53 prohibits the employees of the Ministry of Finance, a municipality and a school board from disclosing any actual income and expense information on individual properties that is acquired in the course of their duties. Previously the prohibition was against disclosing information furnished by any person under section 10 or 11 of the Act (obtained under a power of entry or by virtue of a required questionnaire).

Development Charges Act

The Act is amended to provide that a development charge by-law or amendment thereto, except an amendment which reduces the amount of a charge or eliminates a term of a by-law, does not come into force until it is approved by the Minister of Municipal Affairs and Housing. The Minister has absolute discretion to approve a by-law or amendment in whole or in part. (Sections 45, 46 and 49 of the Bill)

The right to appeal a by-law to the Ontario Municipal Board and the maximum term of a by-law have been eliminated. (Sections 46 and 48 of the Bill)

These provisions are made retroactive to November 16, 1995. (Section 67 of the Bill)

Municipal Act

The new section 207.3 of the *Municipal Act* authorizes municipalities to pass by-laws providing for the registration of houses which contain two residential units. The by-law may prohibit the use or occupancy of more than one residential unit in a two-unit house unless the house is registered. As a condition of registration, the by-law may require that two-unit houses meet specified standards. Inspectors are authorized to enter two-unit houses, before registration, to ensure they meet these standards.

Ontario Heritage Act

The amendments to the *Ontario Heritage Act* are as follows:

1. The Conservation Review Board is authorized to conduct a pre-hearing conference, by electronic means, whenever a hearing is required.

2. In every case where a person may apply or object so that a hearing must be held by the Conservation Review Board, that person is permitted to withdraw the application or objection at any time before the conclusion of the hearing.

modifications énoncées dans le projet de loi, doivent être réglées conformément au même processus que celui selon lequel elles ont été introduites.

Cependant, si aucune décision n'a été rendue à l'égard de l'affaire ou de la procédure, la norme prévue au paragraphe 3 (5) qui exige de «tenir compte» des déclarations de principes s'applique à l'exercice des pouvoirs, et non la norme exigeant qu'une décision soit «conforme» aux déclarations de principes. Une décision comprend l'adoption d'un plan par un conseil ou l'adoption d'un règlement municipal. (Article 41 du projet de loi)

PARTIE II
AUTRES MODIFICATIONS

Loi sur l'évaluation foncière

L'article 53 de la *Loi sur l'évaluation foncière*, qui traite de la divulgation de renseignements, est abrogé. Le nouvel article 53 interdit aux employés du ministère des Finances, des municipalités et des conseils scolaires de divulguer les renseignements qu'ils obtiennent dans l'exercice de leurs fonctions sur les dépenses et le revenu réels de biens immeubles individuels. Auparavant, il était interdit de divulguer des renseignements fournis par quiconque aux termes de l'article 10 ou 11 de la Loi (obtenus grâce à un pouvoir d'entrée ou au moyen d'un questionnaire exigé).

Loi sur les redevances d'exploitation

La Loi est modifiée de façon à prévoir qu'un règlement municipal prévoyant l'imposition de redevances d'exploitation ou qu'une modification à un tel règlement, à l'exception d'une modification qui réduit le montant d'une redevance ou élimine la durée d'application d'un règlement municipal, n'entre pas en vigueur tant que le ministre des Affaires municipales et du Logement ne l'a pas approuvé. Le ministre a entière discrétion pour approuver la totalité ou une partie d'un règlement municipal ou d'une modification. (Articles 45, 46 et 49 du projet de loi)

Le droit d'interjeter appel d'un règlement municipal devant la Commission des affaires municipales de l'Ontario et la durée d'application maximale d'un règlement municipal sont supprimés. (Articles 46 et 48 du projet de loi)

Ces dispositions sont rétroactives au 16 novembre 1995. (Article 67 du projet de loi)

Loi sur les municipalités

Le nouvel article 207.3 de la *Loi sur les municipalités* autorise les municipalités à adopter des règlements municipaux prévoyant l'enregistrement de maisons qui contiennent deux unités d'habitation. Le règlement municipal peut interdire l'utilisation ou l'occupation de plus d'une unité d'habitation dans une maison à double logement à moins que la maison ne soit enregistrée. Comme condition d'enregistrement, le règlement municipal peut exiger que les maisons à double logement respectent des normes précises. Des inspecteurs sont autorisés à pénétrer dans des maisons à double logement, avant l'enregistrement, pour s'assurer qu'elles respectent ces normes.

Loi sur le patrimoine de l'Ontario

Les modifications apportées à la *Loi sur le patrimoine de l'Ontario* sont les suivantes :

1. La Commission des biens culturels est autorisée à tenir une conférence préparatoire à l'audience, par des moyens électroniques, chaque fois qu'une audience est exigée.

2. Dans tous les cas où une personne peut présenter une demande ou une opposition de sorte que la Commission des biens culturels doive tenir une audience, la personne est autorisée à retirer sa demande ou son opposition à n'importe quel moment avant la fin de l'audience.

3. Section 67 of the Act is amended so that notices are no longer required to be published for three consecutive weeks.

4. The Minister is no longer required to consult the Ontario Heritage Foundation before granting, renewing, suspending or revoking a licence to carry out archaeological work under section 48 of the Act.

Regional Municipality of Waterloo Act

Section 2 of the *Regional Municipality of Waterloo Act* is amended to adjust and clarify part of the municipal boundary between the City of Cambridge and the Township of North Dumfries. The amendment is made retroactive to January 1, 1973.

3. L'article 67 de la Loi est modifié de sorte qu'il n'est plus nécessaire de faire publier les avis pendant trois semaines consécutives.

4. Le ministre n'est plus tenu de consulter la Fondation du patrimoine ontarien avant d'accorder, de renouveler, de suspendre ou de révoquer une licence pour entreprendre des travaux archéologiques aux termes de l'article 48 de la Loi.

Loi sur la municipalité régionale de Waterloo

L'article 2 de la *Loi sur la municipalité régionale de Waterloo* est modifié de façon à rajuster et à préciser une partie de la limite municipale entre la cité de Cambridge et le canton de North Dumfries. La modification a un effet rétroactif au 1er janvier 1973.

9 (b)

CITY OF HAMILTON

- INFORMATION -

DATE: 1996 June 13
CI-91-I

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Draft Mobile Signs By-law - Public Comment

BACKGROUND:

The Planning and Development Committee, at their meeting of 17 April 1996, directed staff to schedule a Public Meeting for 22 May 1996 at 7:00 p.m., to consider a draft by-law to regulate mobile signs on private property in accordance with the Municipal Act, R.S.O..

Approximately thirty (30) people attended the Public Meeting and eight (8) people made verbal submissions (see APPENDIX "A" attached). At the conclusion of the meeting, the Chairman thanked those who made submissions and requested that written submissions be forwarded to the Committee Secretary no later than 12 June 1996. These would be forwarded to Planning and Development Committee for information at their 19 June 1996 meeting. Another Public Meeting on this matter would be held 3 July 1996.

In response to the Chairman's request, nine (9) written submissions were received (see attached APPENDIX "B").

Summary of Issues

Time Periods
Time periods proposed in the draft by-law for display (ie. four (4) fifteen (15) consecutive day time periods per year - a total of 60 days) is too limited. Suggestions included increasing this to

APPENDIX "A"

Wednesday, 1996 May 22
7:00 o'clock p.m
Room 233, City Hall

INFORMAL DISCUSSIONS WITH REGARD TO A MEETING HELD FOR MOBILE SIGNS.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Alderman G. Copps
Regrets:	Mayor R. Morrow - Civic Business Alderman Wm. McCulloch - Civic Business Alderman F. Eisenberger Alderman M. Caplan Alderman B. Charters Alderman H. Merling
Also Present:	Victor Abraham, Director of Planning Caroline Floroff, Planning Department Peter Lampman, Building Department Tina Agnello, Secretary

The following people were present to speak with regard to Mobile Signs:

George Langadinos, 3 Edith Court on the east mountain. He stated that he is an executive member of the Hamilton-Wentworth and District Mobile Sign Association. He is also representing the merchants. He advised that 3 years ago he attended a meeting with regard to portable signs. He stated that many businesses cannot afford the expense of other sources of advertising. He stated that even though there are concerns in the draft by-law with signs blocking intersections and that they potential hazards and that they are not aesthetically pleasing. He stated that the same holds true with bus shelters and mailboxes. He stated that 3 years ago the Chairperson said the signs looked like hell. He stated that bus shelters are also advertising devices and structures. With regard to the draft by-law, he said it is not signed and took 3 years to prepare. In his opinion, it was full of discrimination and violates the Charter of Rights. He stated that the definition of Mobile Signs is not in the Municipal Act nor the Planning Act. Regulations are okay but they want a level playing field. He stated that bus shelters and mailboxes should be treated the same and that everyone should be treated fairly.

In response to a question from Alderman Copps, Mr. Langadinos said that he objects to the obstructing visibility on bus shelters by ads. He stated that the existing by-law with regard to not allowing mobile signs on public road allowances should be enforced.

Shelagh Schneider of Westdale B.I.A., a business owner of 1045 King Street West in Hamilton was also present. She stated that she represents 90 businesses in the area and requested that the Westdale B.I.A. be removed for one year from the City Mobile Signs by-law so they can work with the City to develop a by-law specific to Westdale ("Made in Westdale Solution"). She stated that they do not want to allow ugly fluorescent signs and they want to incorporate planter boxes into their signs. She stated that the Westdale businesses would like to work with the City and find a solution to their own situation.

Jeff Turner of 349 Upper Kenilworth was also present. He stated that he has worked in the past for sign businesses and most signs are purchased or rented by businesses in small strip malls. He agreed that there are alot of signs which are improperly placed, but also stated, that large stores like Eaton's can afford to put ads in the paper, while small ones can only afford mobile signs. He agreed that signs should be regulated but that one sign per strip mall is unfair. He suggested that we restrict the number of signs, the size of signs and that they should be aesthetically pleasing and on private property.

Donald McPhail of the Canadian Mobile Sign Association and Advantage Signs was present. He agrees that regulations are necessary. He is a 60 year resident and has civic pride in the City of Hamilton. He suggested that a Committee should be formed with all interested parties to review this matter. He stated that Brampton enacted a by-law which generates $250,000 in permit revenues. He suggested that there be regulation but not strangulation. The average life span of a business is 4 1/2 years, therefore, a small business cannot afford to place a permanent sign up. He also questioned what would happen to signs of charitable organizations. At present, they donate sign time to various charitable organizations throughout the City. He advised those present that every 20 signs equals one job.

In response to a question from Alderman D'Amico, he stated that his association supports the licensing of operators. He does not want signs to be on the road allowance and considers safety as a criteria. They also would like a set standard for signs, for example, 50 sq. feet for the total face. He stated that they are willing to work with the City. He suggested that the best way to go with regard to signage is a distance separation to a maximum, like the Oakville by-law. (ie. 100 ft.) He stated that in his opinion, people will abide by the regulations as long as they are fair and applied to everyone. He also stated that if people paid permit fees, they would be more cautious with the signs. He stated that his association was formed in 1992 after addressing the Building Council. His association is made up of Mobile Ads, Advantage Signs, Celebrity Signs, Promotion Signs and a few other companies.

Louis Segiun, a concerned merchant was present. He owns Photo Video on the east mountain, on Upper Ottawa, between Stone Church Road and Rymal Road. As a small business, he

stated that mobile signs are very good for him. Limiting them to 15 days a year would hurt the business badly. He changes his sign once a week. The sign he has up is located between the parking lot and the sidewalk and it is 8 feet by 6 feet in size. The lettering is 4 feet by 8 feet in size. He stated that it is very effective. He cannot afford newspaper ads and they have tried flyers and they have not worked well. He agrees with regulations with regard to viewing blockage etc. but he stated that he requires the sign to stay in business.Hakim Habdame, owner of Family Cleaners in the city was present. He stated that mobile signs has helped his company expand from one location to twelve. He stated that he had business in Stoney Creek paying $100 for 30 days to have a sign up and after 30 days was over, he terminated the lease with the landlord because the business was so poor. He agrees with some form of regulation, but, he pleaded with those present to consider the economy. He stated that 3 other cleaners in Stoney Creek are also having problems. They were unable to attend the meeting. He said there are too many fees to pay, license fees and then fees to the landlord. The City should consider this and that the businesses are already paying taxes. He stated that 4 drycleaning businesses have already closed in Stoney Creek. Mobile signs are one last tool which now is being taken away from them. He was against paying licensing fees right now because economic times are so harsh. He advised that his businesses have 6 signs which are purchased and 2 which are rented.

Alderman Drury stated though, if regulation is to come into place, there must be some cost to pay for the regulation.

John Schouten of 940 5th Concession was present. He was there on behalf of Eyemark Signs. He concurred with Mr. McPhail. Regulation is good but if the signs are only permitted to be up for 15 days, it will not be worth while for people. A 6 month time period is preferable. Other municipalities have used this time period. One sign per property will create more competition among companies. He stated that all the illegal signs on the road allowances should be regulated and the ones that are on every vacant corner. He agrees with licensing fees and stated that advertising in the newspapers is not cost effective for small businesses and flyers end up in garbage cans. Therefore, mobile signs are the most cost effective forms of advertising for a small business. Permanent signs are too expensive for small businesses to put up. He stated that some municipalities have a 72 sq. ft. limit. He stated that he hopes fluorescent signs are not an issue since signs which blend in to the landscape are not effective.

In response to question from Alderman Copps, in his opinion the companies should be regulated. But then Alderman Copps had a question in regards to the signs which are owned by many small businesses around the City.

Simon Ive of 1888 Company Rent a Sign was present. He stated that the City wants to go from one extreme to the other. Sign owners might be trying to drive the by-law against competitors. He stated that if the sign is up continuously for a long period of time it becomes

less effective because it becomes part of the streetscape. Assembly and reassembly also drives up costs. He stated that he has no concerns with the size restrictions as long as the rules are fair for everyone. Four, 15 day periods per property are not enough for businesses to survive. The City of Burlington presently has three, 15 day periods per year per business. He realizes it is difficult to keep everyone happy, and that this by-law will have costs to police. As such, there should be a permit fee but it should not be a cash cow. He realizes that there is a problem in the City of Hamilton but that small businesses need signs to make ends meet. Some businesses have mobile signs as their sole form of advertising. He stated that while signs have never hurt anyone, if they are not there they may hurt a lot of people.

Alderman Drury stated that with regard to competition, what ever rules are made, will be enforced throughout the City for everyone so it will be fair.

Mr. Ive stated that other means of advertising would like to see the mobile signs disappear.

In response to a question from Alderman D'Amico, Mr. Ive advised that Oakville has the most realistic regulations. Mr. Ive also suggested that from November 15 to January 2, which is the peak advertising period, some of the rules should be waived, except distance separation. He suggested that the City take time to do things properly, but, that at the same time a site plan not be required to put up a portable sign. The administration should be made simple.

George Langadinos stated that if licensing is enacted, it should be per sign not per company. Therefore, the capacity of signs will get licensed. It is not fair that one person with one sign to pay the same licensing fee, as a company who is renting out many signs.

Alderman Drury stated that the City will receive written submissions between the present and June 12, 1996. They will be reviewed at the June 19, Planning and Development meeting, for further discussion. Another Public Meeting is scheduled for July 3, 1996.

Alderman D'Amico stated that he appreciated the turnout and the imput from those present.

Tina Agnello, Secretary
Planning and Development Committee

/br

EYEMARK SIGNS
MOBILE SIGN RENTALS
940 5TH CONC. WEST RR#2
WATERDOWN, ON L0R 2H2
905-659-0943

APPENDIX "B"

June 8, 1996

City of Hamilton
City Clerks Dept.
71 Main St. W.
Hamilton On

Atten: Tina Agnello

Dear Madam

Re: Draft By-law to regulate Mobile Signs

After review of the first draft of the proposed Mobile Sign by-laws,I feel it is important that I voice my concerns.

First I would like to say how important the Mobile Sign is to small business in the Hamilton area. To many small businesses the Mobile Sign is the only effective form of advertising they can afford. News papers are very expensive and they end up paying to advertise throughout the entire city when their target market may only be a small portion. eg; sub shops, tanning parlors, etc. Flyers are costly, usually don't get read and always end up in the trash which contributes to waste removal and dipsosal costs and of course are not environmentally freindly.

I agree something needs to be done in the city of Hamilton to clean-up the Mobile Sign mess, but I feel the proposed by-laws are far to restrictive and will financially harm many small businesses in Hamilton.

The following are some suggestions I think would address your major concerns surrounding the mobile sign problem.

1 - The Hamilton area has a very high percentage of third party advertising (approx. 30%) which if eliminated would cut the sign population by 1/3rd and would also stop the dumping of signs on vacant lots and city propety.

2- By limiting each business to 6 months per year on a 60 day up, 30 day down basis you would again eliminate another third and also get rid of abandoned and neglected signs with dated messages further cleaning up the city.

3- By limiting the distance between signs in strip-malls to 100 ft. you would eliminate you're final eyesore.

One major problem I see in the by-law draft are the proposed restrictions 14(q) to 14(w). These would limit the use of the sign only to large businesses on large properties which again would be unfair to the little guy. A possible solution might be a clause that states the sign cannot impede the safe sightline of vehicular traffic.

A second important restriction I think should be addressed, is 13(j). This limits the size of a Mobile Sign to approx. 40 sq.ft. Many sign companies in Hamilton use a 60 sq.ft. sign so imposing a smaller size limit would prove very costly for these businesses, forcing them to reinvest in all new equipment and to take a substancial loss in the disposal of non-conforming equipment. I think a 60 - 70 sq.ft. limit would be a more fair solution.

In regards to the clerical end of the by-law I feel that there should be a Mobile Sign Operaters Permit made applicable to mobile sign businesses operating in Hamilton. This would allow the city to;-accept permit applications by fax.
-have accounts for sign operators that could be paid monthly or bi-monthly.

This would eliminate long lines at the door and the processing of hundreds of checks per month. This would also allow the city to suspend an operators permit if accounts go unpaid as well as saving the operators time and expense making the sign cheaper for the customer.

In conclusion, I believe that if the city was to follow a much more relaxed version of the by-law draft it would still receive the great improvement in mobile sign clean up it desires without irreparably damaging both the small business and the mobile sign operators in Hamilton. If there are concerns that new restrictions do not go far enough the city could schedule a meeting to be held in 6 or 9 months to review the by-laws effect and/or futher amend them.

For your information I have gathered basic statistics on by-laws of neighbouring and not so neighbouring cities with similar populations, business districts and income levels.

City	Max. time allowed	Distance at malls	Permit fees
Kitchener	6 mth / year	150'	$40 / mth
Waterloo	3 mth / year	164'	$35 / mth
Cambridge	6 mth / year	100'	$35 / mth
London	6 mth / year	100'	$17.50 / mth
Calgary	60 days up / 30 days down		$15 / mth
Winnipeg	90 days up / 30 days down		$30 / mth

Thank you for your attention in this matter.

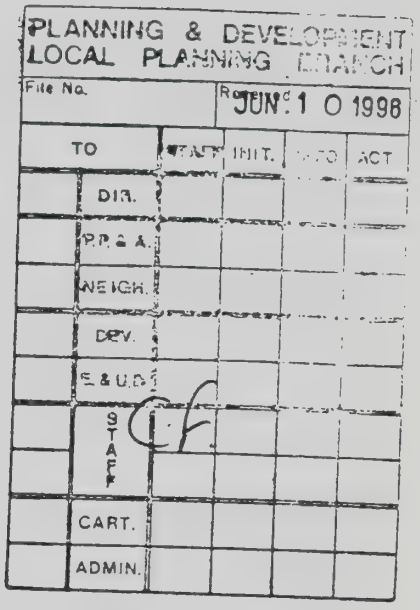
I look forward to seeing you at the upcoming meeting on July 3rd.

Yours truly



John Schouten
Owner

Westdale OPTICAL Boutique



May 22, 1996

Mr. Don Drury
Alderman,
City Hall

Dear Mr. Drury,

I am writing in regards to the explosion in the number of portable or semi-portable signs in the Westdale Village area. My concerns are as follows: the signs are very dangerous to children and in fact, adults as they can not be seen crossing the road as the large signs are between the sidewalk and the road. It is not enough to say that there are crosswalks, since the reality is that people in the village rarely use them. When I phoned and alerted the city a few months ago I made them aware of this and also the fact that Cottage Florist has a sign with an arrow that is at eye level hanging over the sidewalk.

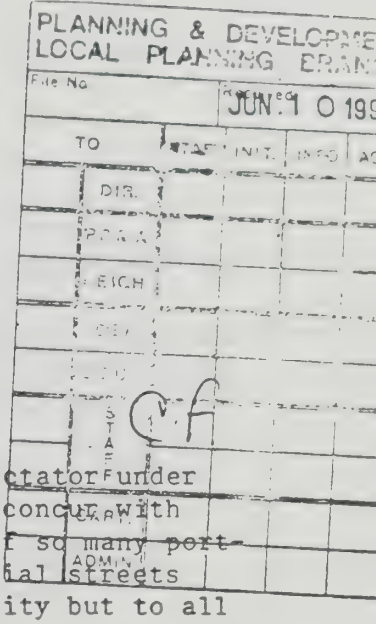
To date nothing has been done. These signs are cosmetically offensive and degrade the overall appearance of the village. The signs often obstruct car doors at the parking meters. The signs take away from expensive window displays as they diminish visibility to the store fronts. There should be some specific rules regarding the positioning and size of the signs and none should be permitted between the road and sidewalks. Personally, I am in favour of no portable signs anywhere.

Yours truly,

James McLean
Proprietor
Westdale Optical Boutique

Stephanie McLean
Proprietor
Je Ne Sais Quoi

1050 King Street West, Hamilton, Ontario L8S 1L6
(905) 525-0788



May 24, 1996

Don Drury, Chairman
Planning and Development Committee
Hamilton City Hall
Hamilton, Ontario

Dear Chairman Don; Re: Sign Regulation Bylaw

With reference to the printed article in the Hamilton Spectator under date of May 23, page D2, regarding the above matter, I for one concur with your stand that something should be done to remove the blight of so many portable signs from the streets in our community. Our main commercial streets become very tacky and unappealing not only to visitors to the city but to all residents as well. Something must be done.

May I refer you to the Borough of Scarborough where this matter was dealt with in a very fine manner. That municipality passed a bylaw many years ago which eliminated all such signs from its streets. I would suggest that a request be made to Scarborough for a copy of that bylaw to be faxed to your office in order to have it for reference in drafting up any proposed changes to the bylaw for Hamilton streets.

I trust your committee will make the necessary changes to the bylaw that will be of the greatest benefit to ALL of the residents of this fair city. We want to be proud of our city streets -- streets that are not inundated with portable signs that make our city look cluttered with a poor esthetic value.

Should the committee in its wisdom not recommend a complete removal of all portable signs on our streets, which would be my personal preference, then perhaps it could consider allowing such signs to be placed only in front of businesses located immediately adjacent to them. At present some stores, such as Fortinos Grocery Stores and Mountain Mazda Motors have some portable signs placed many kilometers distant from their premises which adds to the blight of our community.

I trust your committee will come up with the right solution for our beautiful city once it has considered all of the options open to it insofar as making the right recommendation to our city council.

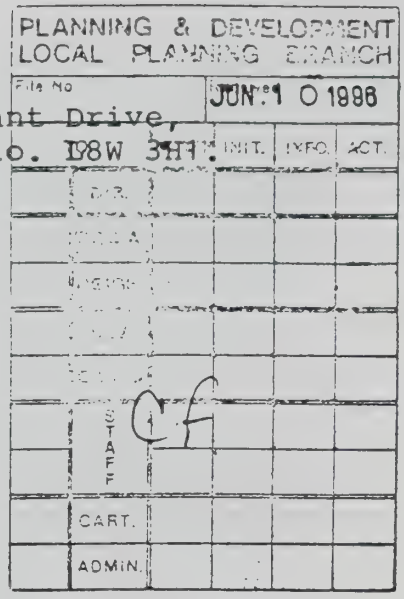
Very truly yours,

James Managhan

James E Managhan
574-6374

601, 75 Wendover Drive
Hamilton, Ont. L9C 2S7

125 Mount Pleasant Drive,
Hamilton, Ontario. L8W 3H1.



27 May 1996.

Mr. Don Drury.
Committee Chairman.
Planning & Development Committee.
City Hall.
71 Main Street West,
Hamilton, Ontario. L8P 4Y5.

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Dear Mr. Drury:

On 29 February 1996, I wrote to the Regional Chairman, Terry Cooke, and a part of my letter dealt with the increasing problem of road signs. In his reply, Mr. Cooke said that he would forward a copy of my letter to the departments concerned. As you were not included in his list, the following paragraph is a copy of my comments on road signs.

There seems to be a proliferation of advertising signs, especially in the Upper James and Rymal Road areas. Quite apart from being distracting to motorists, they are so numerous that we could easily compete with the ugliness in some American towns. May I suggest that, if there is any justification of user fees, there should be a fee for every sign. This would serve the double purpose of creating revenue for the region and possibly reduce the number of signs used. There should also be restrictions on the size and location of signs. Some are placed dangerously near the road and, as in the case of one sign on Mall Road at the exit from a strip mall, cause an obstruction to a driver's view of traffic on Mall Road. In the case of real estate "For Sale" signs, the fee could be assessed for the average yearly use by various companies rather than on individual signs.

I was pleased to read in the Spectator that your committee is addressing this problem. Somebody is doing a super selling job on fluorescent signs and will, no doubt, register complaints on any limitations but there must be some major reduction in their use as they are unsightly and cheapen the appearance of our city. I certainly agree with the aims of the proposed bylaw although I feel that the size should be restricted to thirty square feet.

Since my letter to Mr. Cooke many more signs have been erected and I sincerely hope that your committee will be able to overcome this problem in the immediate future.

Yours truly,

Fred Strugnell

JUN . 1 2 19

City of Hamilton
71 Main St. West,
Hamilton, On
Planning and Development Department
Attention: Ms. Tina Agnello

Dear Ms. Agnello

With regards to the proposal for mobile sign regulation may we offer our comments? We feel that some controls are required and agree with most of the draft, except for the duration of the sign rental. Communities with six or seven month duration periods have seen the benifit to the communities as well as the business sector. Too restrictive a time period will not only hurt the businesses but will also require more man hours to control these regulations. Our statistics indicate that most businessess require continuous advertising to attract potential customers and that "mobile signs" are a very good method **if** the signs meet safety and quality standards.
We at Magnetsigns would like to introduce ourselves to your community and to suggest alternatives to mobile signs as we know them. The three main problems common with mobile signs have been addressed by our company. These include:

A - Safety
Poor quality i.e. loose boards, bent and broken frames and legs, plastic damage beyond repair, and substandard electrical attachments. Pedestrians could be at risk with these types of signs.

B- Visial Pollution
Possible problems could include peeling paint, rust, spray painted boards with faded and missing text and letters, sign not leveled properly ect.

C- Quality and Effectiveness

The shop owner or manager has invested money in mobile signs hoping that motorists can read their sign as they pass. At Magnetsigns, we have created an alternative to the traditional mobile signs that satisfies these three concerns. We have submitted samples of our new line of graphic design signs for your consideration. If you would like more information please contact me at (519) 448- 4511. Fax : (519) 448-4512

Doug Hughes
President, Magnestsigns Ontario South

SAMPLES

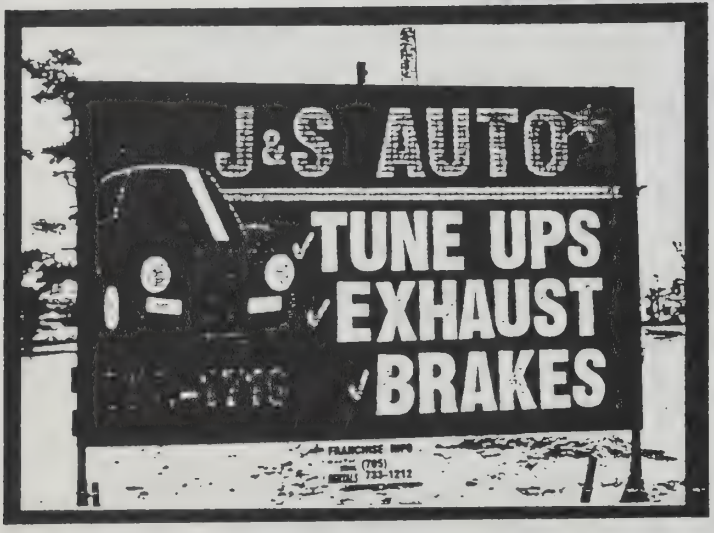
BEFORE



AFTER



MORE SAMPLES









Ad-Vantage Signs

914848 Ontario Limited

5100 SOUTH SERVICE ROAD, UNIT 27, BURLINGTON, ONTARIO L7L 6A5
Tel: HAM. (905) 574-2555 BURL. (905) 634-6811 Fax: BURL. (905) 634-5422

JUN. 12 1996

June 7, 1996

City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Mayor and Members of Council:

The intent of the new sign by-law is to control safety and esthetics on our streetscape.

I respectfully submit that a permit system of two week increments be implemented at a cost of $25 per permit, and that a distance separation of 100' between signs be established.

The permit system should be on going 365 days per year, ie. City of Brampton.

The content of the sign message should not be of concern if the sign meets all permit requirements.

The sign size should not exceed 50 square feet and an individual letter size should not exceed 12 inches.

No sign should be permitted on the public road allowance.

The City of Hamilton could conservatively generate $250,000 in revenues annually and still maintain its goal of an uncluttered and safe streetscape.

Yours truly

Don McPhail

JUN. 1 2 1996

FITNESS EQUIPMENT CORP.
Total Life

June 5, 1996

City Clerks Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attn: Tina Agnello

Dear Tina,

It has come to my attention that the city is proposing some major restrictions on the use of Mobile Signs. It is my personal and professional opinion that these regulations will have a negative impact on both the business and the private sector.

Mobile signs provide businesses with an effective and economical mean of advertising. They also easily meet a business' temporary & fluctuating advertising requirements. For businesses with minimal exposure from roadways, Mobile Signs are a simple and cost effective tool to attract and direct customers to their location.

Implementing the proposed restrictions on Mobile Signs would also hinder the livelihood of those who supply them. In such troubled economic times, our city must endeavor to support that which keeps people from being unemployed.

I do not believe that any problems and/or complaints will be solved by limiting the amount of time per year that a business would be able to use Mobile Sign Advertising. My concern would lie only with the placement and position of the sign itself, although I have yet to see a Mobile Sign in use anywhere that has obstructed anyone's view beyond a safe limit. Displayed below are pictures and locations of Mobile Signs in Hamilton that are currently being used by small businesses. At present, these signs do not appear to cause any harm in their current position. However, these signs would be in direct contravention if your restrictions are implemented.

HEAD OFFICE 1205 Rymal Road E., Hamilton, Ontario L8W 3M9 (905) 574-5255 1-800-267-0190 Fax (905) 574-6654

As a small business owner and a member of the general public, I can attest that Mobile Sign Advertising does attract customers and increase business. I urge you to reconsider the restrictions you are proposing. I strongly believe that in attempts to satisfy a handful of complaints, your restrictions will simply assist the demise of so many struggling businesses today.

I appreciate your time and consideration.

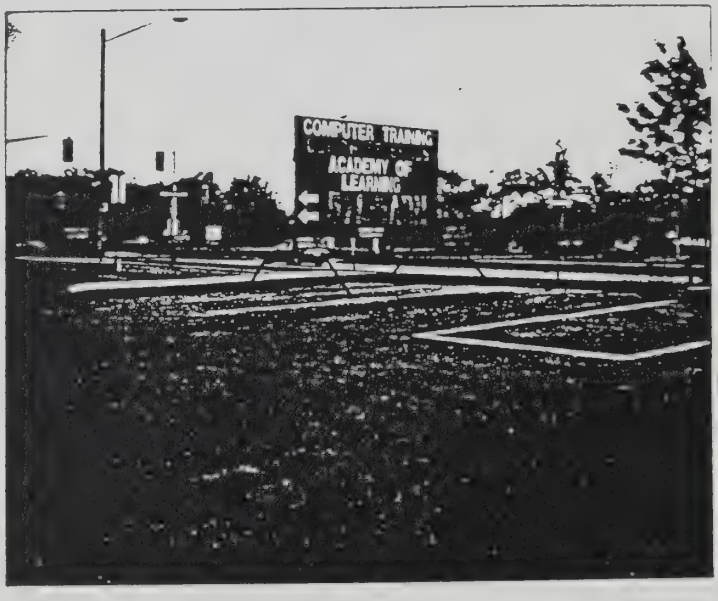
Sincerely,

Marty Gillott
President
Total Life Fitness

HEAD OFFICE 1205 Rymal Road E., Hamilton, Ontario L8W 3M9 (905) 574-5255 1-800-267-0190 Fax (905) 574-6654



RYMAL RD EAST @ NEBO RD
NORTH WEST CORNER



UPPER OTTAWA ST SOUTH
SUPERFRESH PLAZA



UPPER OTTAWA @ STONECHURCH RD
NORTH EAST CORNER

HEAD OFFICE 1205 Rymal Road E., Hamilton, Ontario L8W 3M9 (905) 574-5255 1-800-267-0190 Fax (905) 574-6654

Absolute Music
THE HOTTEST GUITARS · THE HOTTEST PRICES
870 Upper James St. Hamilton, ON L9C 3A4 Phone (905) 318-74

June 12, 1996

To: Frank D'Amico
V.P. Planning Committee
Alderman Ward 8

Re: Public input to mobile sign review

The proposal made for signs to be up for a limited period of time is fine for most business owners who rent their sign. The sign rental company comes down with a crane on a truck lifts the sign up and trucks it on to the next location.

But what about business owners like myself who have purchased their sign?

How do I move it?

Where do I move it to?

Do I put it in our parking lot or do I put it in my driveway or on the front lawn of my house on the mountain?

Before I had my sign built I talked to the planning department and the building department. I specifically asked about any proposed bylaw. Everyone assured me there was nothing on the horizon and it would take years of meetings and studies if anything was to occur.

11/2 years and $3,000.00 later the situation is quickly changing.

Some provision has to be made for business that have already purchased signs prior to any law taking place.

Nobody complained about signs until the large neon printed letters on black boards came out. Some have 3' letters on them.

Suggestion #1

How about restricting the size of the letter on signboards to a maximum of 12" high. This would quiet down the image of all the aggressive signs that have huge letters on them.

Suggestion#2

How about restricting mobile signs to illuminated signs only This would eliminate low cost board built signs.

Illuminated signs at night give an appearance of a live and thriving city
Do we want to be know as a live and thriving city or a dim sleepy town?
Our store is located on Upper James Street between Mohawk Rd. & Limeridge There is only one single residential dwelling on that whole stretch of road and that residence has a store front.

This is a shopping district and should look like one The store owners on this stretch are paying approximately $5,000.00 to $50,000.00 per year in taxes to the city of Hamilton to operate their businesses. These businesses are competing with box stores, shopping malls, home shopping networks, and reduced consumer spending. They need signs and anything else that will draw people in. There is no walk by traffic like there is downtown or in a shopping mall With people driving by at 60km an hour and stores set way back from the street signboards is the only way to let them know we're here.

A small reduction in sales will be enough for most of these business to close Pulling signs will guarantee a significant reduction in sales

Are you going to allow the fate of these high tax paying businesses to be decided by a person who in the 15 seconds it takes to drive down this stretch finds the signs offensive.

How can we have huge billboards and superboards all over the city and say they are fine but the tiny little sign boards aren't, they're offensive
Is a person who does not live, work, or own a property on that stretch of road going to decide the fate of those who do work or own a place there?

We have enough problems in this city with crimes and violence in the schools

Why are we wasting time on a trivial subject like this Our elected officials should be working on ways to improve the business economy of our city, not reduce it.

On the topic of safety.

As long as a sign is 6' back from the street it cannot possibly impair any drivers view.

Pulling mobile signs will cause more accidents - guaranteed!

People use mobile signs as landmarks. When your driving down Upper James at 60km/hr. you only have to look 5-10' to the side of the road to see a sign If they weren't there you would have to look approximately 100' directly to your right to try and read the names on the signs on the buildings while you're driving 60km/hr. in 4 lanes of traffic with people pulling on and off the road at ramps every 50-100' with busses stopping at every bus stop.

To have mobile signs and move them around every few weeks is going to

cause the same problem. The visual landmarks that people rely on would be changing all the time.

If we had a situation where pedestrians crossing Upper James St were getting hit by cars because the drivers didn't see them because their head was turned completely to the right looking 100' away for a specific store or business.

The only solution would be to put the name of every store or business on the hydro poles so drivers could keep looking straight ahead.

By pulling or frequently moving mobile signs we are going to make that problem a reality.

Regards.

Doug Carroll
ABSOLUTE MUSIC

Simon Ise 1888-Rent-Signs
(905) 385-8414

As a sign rental company owner, it is my belief that we have a problem within the City of Hamilton, in regards to mobile signs. I believe the city is becoming unsightly because of the uncontrolled sign usage. I also believe that the signs used to attract businesses are made less useful because of the cluttered look of the urban landscape. It is because of this that I support by-law restrictions on their use; however I think that some of the proposed parts of the by-law are not fair to the businesses of this community that do business here, hire staff and pay business taxes. It is therefore, my intention to offer some suggestions on changes to the draft.

It is key, in my opinion, to consider the main reasons that a by-law might have been first proposed:
*too many signs on a property

*signs in disrepair and unsightly

*home-made signs -> signs on van etc.

*monster signs

*signs obstructing pedestrians and drivers

The next issue we might consider is some problems with the proposed by-law:
*application too detailed

*1 sign per property

*30 days between signs

*property owner involvement

*4-15 day periods per property

*applications should be pre-booked

*8 x 5 max sign face

*sign company name and telephone number on sign

*third party advertising

*sign location should be more liberal

*message board locking devices.

*all restrictions should apply to the city

*non-compliance

Now keeping in mind the problems we are trying to solve and some of the more harsh portions of the draft. May I propose the following changes:
*applications should be simple and be accepted by fax. Permit fees should be accepted in advance and kept on deposit. Fee's should not be a cash cow for the city, but only pay for the administration of the by-law $ per day of permit should cover this.

*the number of signs per property should be determined by the total amount of roadside frontage. We believe that at least 15m be allowed between signs.

*each tenant should have 8-21 day permits per year and that 21 days should elapse between permits issued to a tenant. If application for permits run back to back, the sign (if owned by the same sign company) should be relocated on the property where possible. Special consideration should be made between November 15 and December 23 so that fairness is considered

*property owner involvement should be avoided to deter kick backs

*applications should be allowed to be pre-booked from Jan 2 - November 14

*imperial measurements should be used when considering overall sign face. We suggest 8 x 5 max face 8' max height

*phone number only should be allowed to identify sign companies

*we believe third party advertising should not matter as long as all other by-law items are met

*sign location should only be restricted if the location blocks the view of drivers or pedestrians

*most message board locking devices make the sign more unsightly

*if a sign is erected in a location that does not consider 14 q-w the by-law enforcer should first call the sign owner for re-location before any other measures are taken

Other suggestions:
*if a tenant does not use mobile signs other tenants should be allowed to purchase permits

*the total number of signs per property should be allowed to be erected in December and arrangements made between tenants to ensure each tenant has the same amount of time on the signage

*A log should be kept by address to track the number of permits per tenant

*it is important to note that some of the businesses in the city cannot afford any other type of advertising. My clients have told me that they find this kind of advertising is working for them. I believe that the proposed changes that I have put forth will make the sign even more effective for businesses that use them. I also believe these changes to be more in the middle of where we are now and where you propose we be. In these uncertain times which we are in, it is important to help small businesses to survive and pay their taxes and strike a balance with the overall community.

10(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Main Street West Esplanade (B.I.A.)
Expansion of Boundaries.

RECOMMENDATION:

a) That the Main Street West Esplanade B.I.A. boundaries be expanded to include Main Street West from Dundurn Street to Locke Street; and,

b) That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,

c) That the Law Department be authorized and directed to prepare the necessary amending by-law.

L Lutt. England for
D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

By-law No. 90-197 designating the Main Street West Esplanade B.I.A. requires further amendment to expand the boundaries of the Main Street West Esplanade B.I.A.

BACKGROUND:

On 1996 May 21 the Public Works and Traffic Department was in receipt of a letter from the Main Street West Esplanade B.I.A. (attached as Appendix 'B') requesting that their B.I.A. boundaries be expanded. This expansion will incorporate several existing businesses that have expressed interest in being included within the designated B.I.A.

In accordance with Section 220 of The Municipal Act, all of those within the existing and proposed expansion area assessed for business purposes and included on the last revised assessment roll must receive notice of the intention to pass the by-law. (attached as Appendix 'A')

JP:jp

c.c. Aldermen M. Kiss, Ward One

Aldermen M. Caplan, Ward One

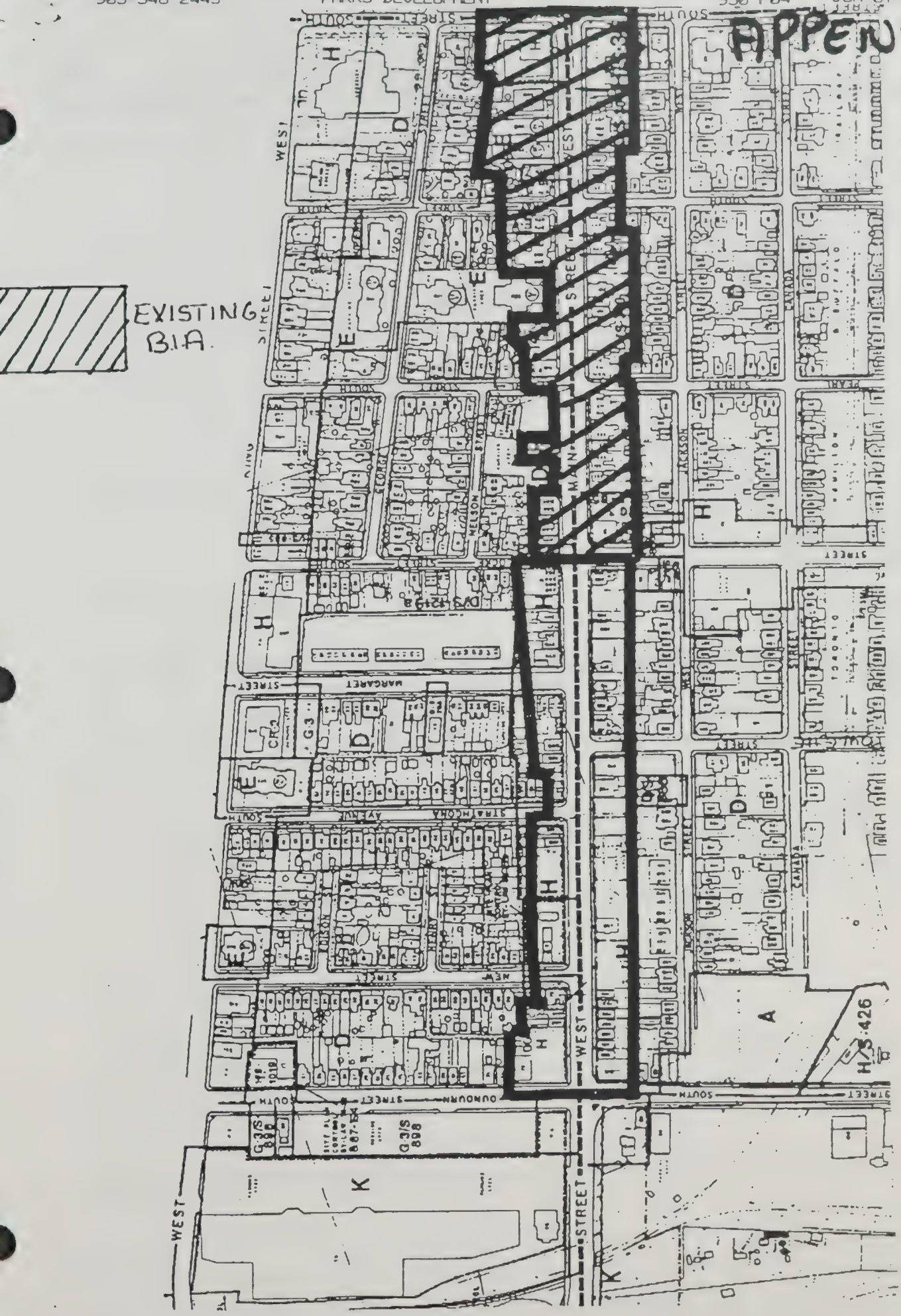
Mrs. Maria Farrugia, Chairman, Main Street West Esplanade

Ms. P. Noe Johnson, City Solicitor
Attn: Mr. A. Zuidema, Solicitor

Mr. A. Ross, City Treasurer
Treasury Department

Mr. J. Schatz, City Clerk

APPENDIX 'A'


EXISTING B.I.A.
WEST STREET
MAIN STREET
SOUTH STREET
DUNDURN STREET
MARGARET AVENUE
H/S 426

APPENDIX 'B'

Main West Esplanade

271 Main St. West
Hamilton, ON L8P 1J5

May 21, 1996

Ms. Jan Pacey
City of Hamilton
FAX 546-2443

Dear Ms. Pacey:

As per our meeting of May 2, 1996, please proceed with the expansion of our BIA to Dundurn St.

Yours very truly,

Alice Parnica for Maria Farruggia

MARIA FARRUGGIA
CHAIR

10(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo, Commissioner
Department of Public Works & Traffic

SUBJECT: Crown Point East/McAnulty Neighbourhood Revitalization - Construction Approval for St. Christopher's Park

RECOMMENDATION:

a) That a purchase order be issued to L. M. Enterprises in the amount of seventy one thousand, and ninety dollars and eighty cents, ($71,090.80) including all taxes and contingency. L. M. Enterprises is the lowest of six tenders received (see Appendix 'A') in accordance with specifications issued by the Purchasing Division and the vendor's proposal; and

b) That this expenditure be financed through the Crown Point East/McAnulty Neighbourhood Revitalization Phase 1 Account Number: CF 4200 429407001; and

c) That a contract be entered into satisfactory to the City Solicitor.

C. Liff. England for
D. Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The reconstruction of St. Christopher's Park has been estimated at two hundred thousand dollars ($200,000). Funds are available within the Crown Point East/McAnulty Neighbourhood Revitalization Phase 1 Account Number: CF 4200 429407001 for expenditure in 1996.

The impact of maintenance was included and approved in the 1994-2003 Capital Budget Submission.

BACKGROUND:

At its meeting held 1996 January 30, City Council adopted a recommendation of the Parks and Recreation Committee to approve the concept plan for St. Christopher's Park, prepared by the Parks Division of the Public Works & Traffic Department in concert with the Crown Point East/McAnulty Citizens' Advisory Committee.

Tender Ref. C15-16-96 Asphalt, Concrete, Water Services and Sewer is a combined contract including 3 parks for Park Development and 2 parks for Community Renewal. The 5 Parks were tendered together to obtain better pricing. The breakdown of the pricing is identified in Appendix 'A'.

The main components of St. Christopher's Park include the following:

-a sun shelter
-play structure with swings
-a modified ball diamond
-perimeter tree planting

JP/jp

Attach.

c.c. Alderman G. Copps, Ward Four
Alderman D. Wilson, Ward Four
Mr. E. Hess, Public Works and Traffic Department
Mr. J. Krochak, Senior Buyer, Purchasing Division, Treasury Department

TENDER REF. C15-16-96 **APPENDIX 'A'**

ASPHALT, CONCRETE, WATER SERVICES & SEWERS

PARK DEVELOPMENT	COST	CONTINGENCY	G.S.T.
Berrisfield Park (DEV 032)	$13,390.00	$2,000.00	$1,077.30
Carson Park (DEV 084)	$14,080.00	$1,500.00	$1,090.60
Glendale Park (DEV 091)	$12,220.00	$2,000.00	$995.40
TOTALS	**$39,690.00**	**$5,500.00**	**$3,163.30**
COMMUNITY RENEWAL			
Pipeline Walkway	$30,610.00	$4,000.00	$2,422.70
St. Christopher's Park	$58,940.00	$7,500.00	$4,650.80
TOTALS	**$89,550.00**	**$11,500.00**	**$7,073.50**

RECEIVED TENDERS:

L.M. Enterprises	$156,476.80
Arrowhead	$164,761.49
Stephens & Rankin	$185,460.96
Dufferin Construction	$200,140.29
Associated Paving	$205,101.04
All Around Contracting	$211,876.05

11.

GOULD

MAY 2 4 1996

CHAIRMAN AND MEMBERS
PLANNING AND DEVELOPMENT COMMITTEE
CITY OF HAMILTON

MAY 5, 1996

SUBJECT: BILLBOARD REGULATIONS

Mr. Chairman, when a company feels the pressure of healthy competition, there is an old trick of persuading government to introduce regulations that would stop your competition from expanding any further. Your clients and suppliers would blame the government and not the individuals proposing the scheme. Please take the time to follow me on a short account on how the City of Hamilton will be the actual villian to property owners and the advertising community in your municipality.

GOULD OUTDOOR'S EXPANSION INTO THE CITY OF HAMILTON

In early 1995 Gould Outdoor Advertising, one of the Jim Pattison Group of Companies, announced that they were adding a sales and operations division to the City of Hamilton. This came as good news to the City providing much needed local jobs. The fact that an Advertising Company with the history of Gould was expanding into Hamilton, created excitment that local businesses were trying to stimulate a slow moving economy. Hamilton businesses could now negotiate advertising prices rather than being told the price. Another winner was the local property owner. With only one major Sign Company competing for leases, local property owners had received below market value for their sites. Now that Gould has entered the Hamilton Market, property owners are now getting market value for their leases. They can now have the upper hand in negotiating with two major Outdoor Advertising Companies rather than just the one.

Toronto
Hamilton
Brantford
London
A Division of Jim Pattison Enterprises Ltd.

Gould Outdoor advertising believes in commuity support. Our employees are taking an active part in the Sesquicentennial and Grey Cup Committees. We have donated Public Service Space to many charities and a donation of $150,000 worth of Outdoor Advertising supporting Hamilton's 150th Birthday Celebrations.

Now we ask the question why Mediacom has become so righteous in their request to freeze any further growth in the City of Hamilton? To start off let's look at an extract from the April/96 issue of Marketing Magazine under the heading – Battle of the Billboards:

Gould Outdoor Advertising
Head Office
Edison Centre,
2345 Yonge Street, 5th Floor, Toronto, Ontario M4P 2E5
Telephone (416) 480-2132 Fax (416) 480-9705

"The battle royale began two years ago, when the four out–of–home companies owned by The Jim Pattison Group of Vancouver broke away from The Poster Network; Mediacom's national sales and marketing serivce. The Four (Gould of Ontario, Seaboard of Vancouver, Hook of Edmonton and Metrobus of Montreal) formed a rival group called The Outdoor Partnership.

Until then Mediacom had virtually monopolized the medium in Toronto–where Gould, which it represented, was a distant second in number of ad faces. Other players led by Omni of Montreal and Urban Outdoor of Toronto, together had less than 20% of the inventory. The Pattison split meant Gould was now Mediacom's direct competition. So long, monopoly."

Attached is the latest audit from COMB Canadian Outdoor Measurement Bureau with the number of faces for each company. Pixelboard Network 2 faces .5% of market, Omni 13 faces 3%, Urban Outdoor 20 faces 4.6%, Gallop & Gallop 51 faces 11.7%, Gould 79 faces 18%, and Mediacom with 272 faces 62.2% of the market share.

What company with the lion's share of the market would benefit from restrictive regulations on Outdoor Advertising?

The existing signs that would now become legal non–conforming benefit the sign company and not the landlord. If the landlord does not accept the lease renewal offer made by the sign company and the sign is removed, the property owner would not be able to replace the sign. In the City of Toronto, this turned into a battle between property owners and the large sign companies on the question of a replacement clause in the sign by–law. Attached for your information is how the Toronto property owners created a group to fight City Hall on the loss of their property rights to the large sign companies.

My last point is on the presentation made by Mediacom to the Planning and Development Committee regarding clutter and landlord problems. Attached is schedule A, a photo of a site at James St. N. & King William f/n. In the first photo it shows the unsightly wall at the back of the parking lot, with the second photo showing what it would look like with four Mediacom signs on the front of the lot.

What Mediacom failed to show was the Gould photo of the unsightly wall and our proposal to refurbish the wall and place two signs on the wall. This proposal took an unsightly location and along with lease rent would allow the refurbishing of the wall. Unfortunely another sign company made it difficult for this to happen.

We would request Planning and Development Committee to look at all aspects of the original proposal by Mediacom and further the property rights of your local landowners.

RECOMMENDATION:

That the Planning staff recommendations be forwarded to the various Outdoor Advertising Organizations for their comments.

Yours truly,



RONALD G. BARR, A.M.C.T. (A)
EXECUTIVE DIRECTOR
COMMUNITY & GOVERNMENT RELATIONS

c.c.
All Members of Council
Planning staff

COMB

Outdoor Operator	Illuminated Faces		Unilluminated Faces	
	Saleable Faces	Average Daily Circulation	Saleable Faces	Average Daily Circulation
Gallop & Gallop				
Series 14 Superboard	2	40,000		
Superposter	49	17,800	1	35,100
Gould Outdoor				
Poster	70	17,600		
Vertical Poster	9	15,600		
Mediacom				
Backlight	17	26,800		
Series 14	4	37,100		
Series 10	15	25,300		
Poster	236	16,800	11	11,100
OMNI				
OmniClassic	13	24,100		
Pixelboard Network				
Pixelboard	2	39,700		
Urban Outdoor				
Urban-Lite	20	26,000		

Suite 100, 21 St. Clair Avenue East, Toronto, Ontario, Canada M4T 1L9
Telephone (416) 968-3823 Fax (416) 968-9396

PROPERTY OWNERS FOR FAIR TREATMENT
67 Yonge Street, Suite 800
Toronto, Ontario
M5E 1J8

Phone: 416-860-1019
Fax: 416-860-0868

FOR IMMEDIATE RELEASE
March 22, 1996

Contact:
Kim Hector (416) 860-1019

NEWS RELEASE

Toronto Council Considering By-law to Remove Property Rights

Elimination of Replacement Sign Clause will Divert Millions of dollars from small property owners to big sign companies.

On April 1, 1996, City Council will consider a by-law change that will cost small property owners in the City potentially millions of dollars. These moneys will flow directly into the pockets of major sign companies.

A proposal to eliminate the replacement clause in the City sign by-law will transfer the right to legal non-conforming billboards from individual property owners to the major sign companies. Any property owner with an existing billboard will be compelled to deal only with the sign company already on location and as a result will lose all bargaining power and the ability to negotiate with other sign companies.

"The proposed change will cost small business owners millions of dollars across the City" said Kim Hector, spokesman for Property Owners For Fair Treatment. "For some reason, the politicians want to line the pockets of the big sign companies at the expense of small businesses who pay taxes to the City".

The proposed change comes out of a recommendation of the City Land Use Committee made March 7, 1996. The March 7 decision was made without notice to most small property owners in the City. Ironically, it represented a complete reversal of the position taken by Land Use Committee November 30, 1995 when several property owners appeared to speak out for the protection of their rights.

-30-

PROPERTY OWNERS FOR FAIR TREATMENT
67 Yonge Street, Suite 800
Toronto, Ontario
M5E 1J8

Phone: 416-860-1019
Fax: 416-860-0868

Dear Commercial Property Owner:

RE: CITY SEEKING TO TAKE AWAY YOUR PROPERTY RIGHTS

City Politicians and Staff want to Let Your Sign Company Tenant Choose Whatever Rent it Wants to Pay to You

On April 1, 1996, City Council will be considering a recommendation to eliminate the replacement sign clause. The effect of this will be to take the right to the billboard on your property away from you and give it to the big sign company.

You will never be permitted to negotiate with another sign company for a better rent.

This effective monopoly for your existing sign company will mean the sign company can charge whatever rent it wants. Your only choice is to say "yes" and keep whatever revenue they choose to give you, or "no" and lose everything and all rights for the future. Please see the attached newspaper advertisement.

Phone or fax your Councillor today to let them know this proposal is wrong.

Tell them to send the matter back to Land Use to give them a chance to be heard.

If you have any questions, or require assistance, please call.

Yours truly,

Kim Hector

Kim Hector

Supported by:

Yonge - Bloor - Bay Association; Bloor/Yorkville B. I. A.;
St Clair Gardens B.I.A.; Toronto Association of Business Improvement Areas (TABIA)
and 100's of individual property owners.

WARNING

TO TORONTO PROPERTY OWNERS
DOES YOUR PROPERTY HAVE A BILLBOARD?

Toronto politicians want to take your rights away and hand them over to the big sign companies.

On April 1, 1996, City Council will consider a Land Use Committee recommendation that will have the following effects:

- take away <u>your</u> right to a sign and give it to a big sign company
- let that company choose whatever amount of rent it wants to pay you
- take away <u>your</u> right to change from one sign company to another
- take millions of dollars away from small property owners across Toronto
- put that money in the pockets of the big sign companies

On November 30, 1995, when small property owners were present and spoke, Land Use Committee voted to keep the replacement clause in the City sign by-law — allowing competition in the sign industry. On March 7, 1996, when no small property owners were present, Land Use Committee completely reversed its position, and voted to remove the replacement clause. The effect is to take your right to a billboard away, and hand that right to the big sign company.

HOW CAN YOU PROTECT YOUR RIGHTS?

Call or write your Councillor today to say that:

- you want a right to be heard on this issue
- it's wrong to take away your rights and hand them to the big sign companies
- it's wrong to take away rents from small property owners to inflate the profits of the big sign companies
- the City should keep the replacement sign clause

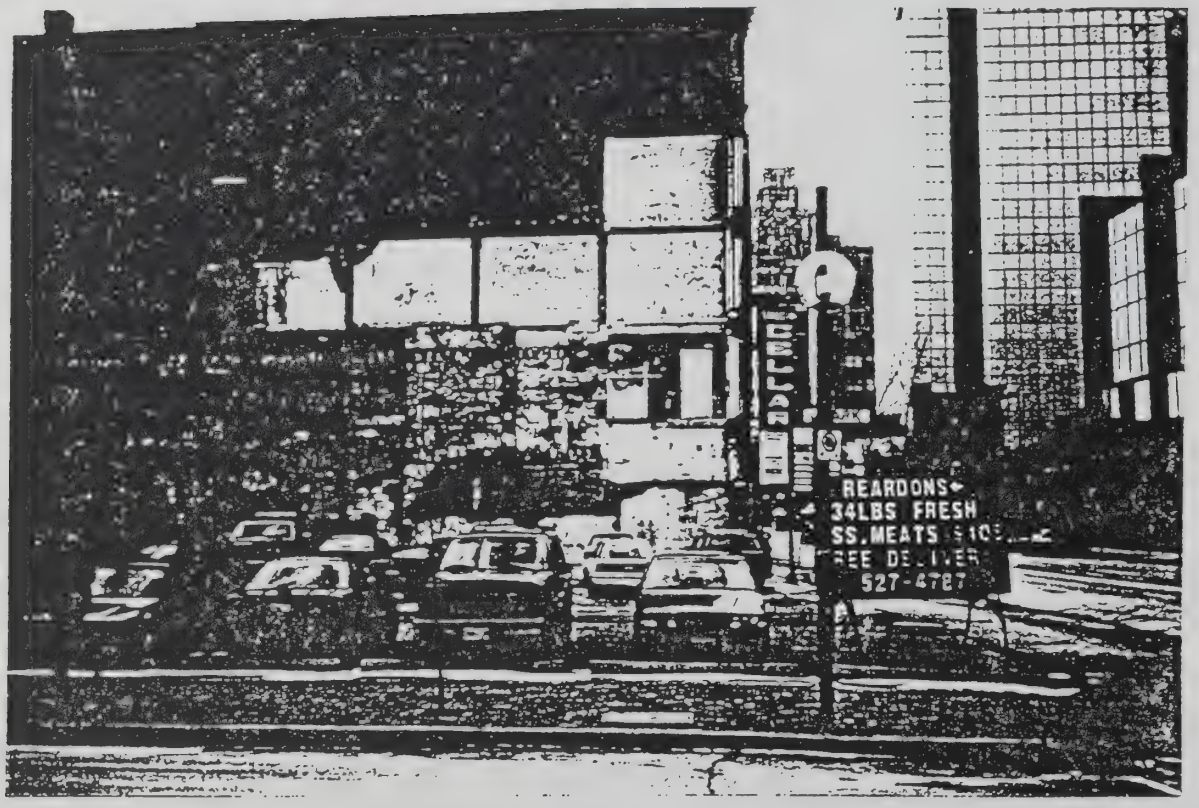
	PHONE NUMBER	FAX NUMBER
Mayor Barbara Hall	392-7001	392-0026
Ward 1 - David Hutcheon	392-7907	392-1050
Ward 2 - Chris Korwin-Kuczynski	392-7919	392-0398
Ward 3 - Mario Silva	392-7012	392-7957
Ward 4 - Martin Silva	392-7910	392-0095
Ward 5 - Dan Leckie	392-7911	392-1870
Ward 6 - Kyle Rae	392-7903	392-1050
Ward 7 - Pam McConnell	392-7916	392-7296
Ward 8 - Peter Tabuns	392-7914	392-1744
Ward 9 - Steve Ellis	392-7904	392-1994
Ward 10 - Tom Jakobek	392-7915	392-0390
Ward 11 - Rob Maxwell	392-7908	392-1050
Ward 12 - Betty Disero	392-7011	392-1050
Ward 13 - John Adams	392-0013	392-1461
Ward 14 - Howard Joy	392-7912	392-1865
Ward 15 - Kay Gardner	392-7017	392-1050
Ward 16 - Michael Walker	392-7906	392-1050

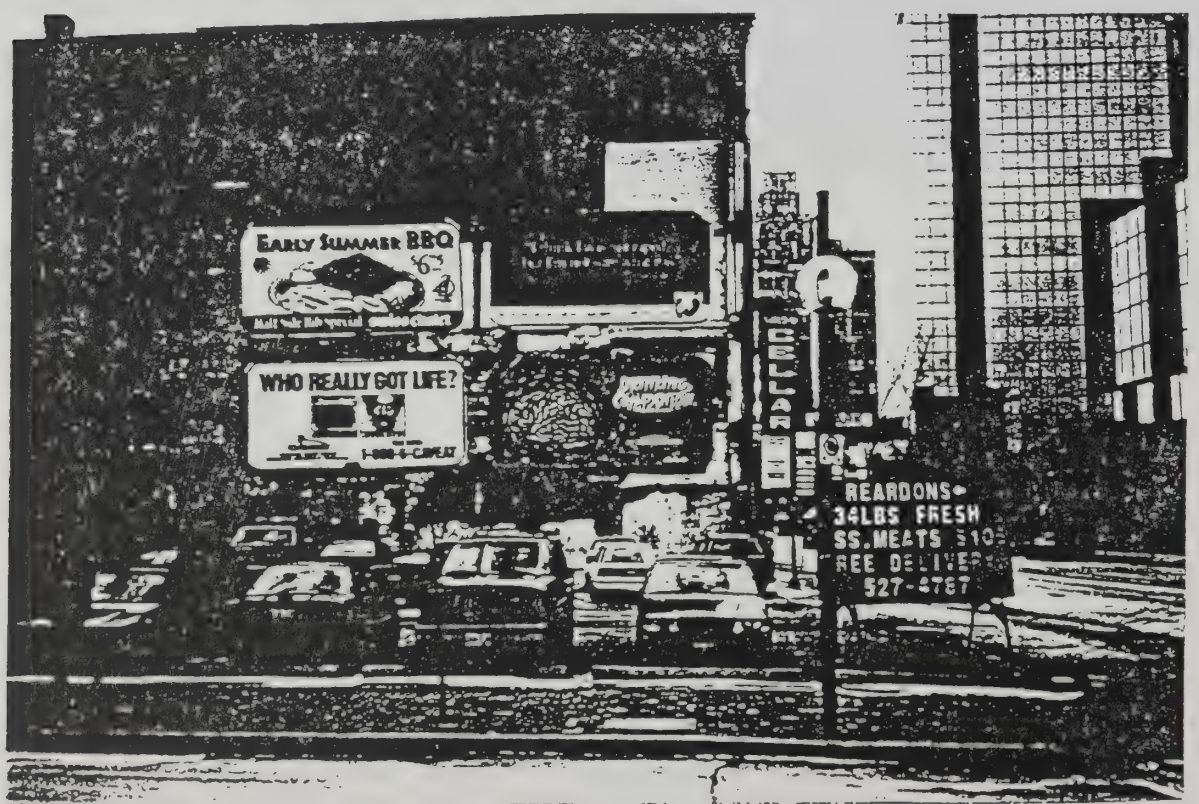
Property Owners For Fair Treatment

This advertisement is endorsed by:

Yonge - Bloor - Bay Association; Bloor/Yorkville B. I. A.;
St Clair Gardens B.I.A.; Toronto Association of Business Improvement Areas (TABIA)

SCHEDULE A





JAMES ST.N. & KING WILLIAM F/N

SCHEDULE B




Celebrating...
Hamilton's
150th Birthday
1846-1996
Rotary Club
do the ordinary

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 June 19
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

a) Minutes of the Meeting held 1996 May 22

b) Minutes of the Special Meeting held 1996 May 22

B. BUILDING COMMISSIONER

a) 274 Barton St E - Commercial Property Improvement Loan Program

b) 8 Dundurn St N - demolition

c) 10 Dundurn St N - demolition

d) 12 Dundurn St N - demolition

e) 14 Dundurn St N - demolition

f) 11 Tuxedo Ave N - demolition

g) 150 Ivon Ave - demolition

h) 128 Hope Ave - demolition

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 June 19

C. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Authorization for Staff Attendance at an Ontario Municipal Board Hearing. Application No. A-96-74, 229 Kenilworth Avenue North.

b) Authorization for a Public Information Meeting - proposed Falkirk West Neighbourhood Plan.

c) Authorization for A Public Meeting - Albion Falls Neighbourhood Plan Review.

d) Approval of Draft Plan of Condominium CDM-CONV-95-005, Nos. 352 - 356 Hunter Street East and 122 Emerald St. South, Roy Megna (in Trust), Stinson Neighbourhood.

e) Approval of Draft Plan of Condominium CDM-CONV-95-002, No. 93 Emerald St. South, Bruno Megna (in Trust) Stinson Neighbourhood.

D. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

a) Heritage Permit - Removal of Aviary Cages at Dundurn Castle

b) Heritage Permit - Renovations of Dundurn Castle Stable Building

c) MacNab/Charles Heritage Conservation District - Streetscaping Improvements

d) Heritage Community Recognition Program - Nomination of Rob Brough

E. DIRECTOR OF PROPERTY/CHIEF ADMINISTRATIVE OFFICER

Settlement of Expropriation - 386 Birch Avenue, Freddie Pilgrim and Edith Ilse Pilgrim

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A (a)

Wednesday, 199
9:30 o'
Room 233,

The Planning and Development Committee met.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Mayor Robert Morrow Alderman M. Caplan Alderman F. Eisenberger Alderman G. Copps Alderman B. Charters Alderman H. Merling
Regrets:	Alderman Wm. McCulloch, Regional Business
Also Present:	Alderman M. Kiss Victor Abraham, Director of Planning Paul Mallard, Planning Department Bill Janssen, Planning Department All of the Planning Department Len King, Commissioner of Building Patrice Noé Johnson, City Solicitor Willie Wong, Building Department Eugene Chajka, Regional Environment Department Charlie Cicero, Public Works and Traffic Department Roland Karl, Public Works and Traffic Department Tina Agnello, Secretary

PUBLIC MEETINGS

1. **Zoning Application 96-03, by The Pica Group Inc., owner, for a change in zoning from "H" District to "DE-3" district, modified for property located at 475 Main Street East and 46 Grant Avenue.**

Mr. Pelech, Solicitor and Mr. Haverty, Architect were present on behalf of The Pica Group Inc., owners of the property.

Paul Mallard explained that of 592 notices sent, 56 people replied in favour and 3 were opposed.

Alderman Copps questioned the number of parking spaces required. Paul Mallard advised that upon review only 78 are required since they are housekeeping units, but, since this application is for seniors multiple dwellings then only 24 spaces are required.

Alderman Drury thanked the proponents for developing this site.

Alderman Merling noted that a recommendation with regard to on-street parking would be going before the Transport and Environment Committee.

As recommended by the Director of Planning and Development in the report dated 1996 May 16, the Committee recommended to Council as follows:

> That approval be given to amended Zoning Application 96-03, The Pica Group Inc., owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District for Blocks "1" & "2", shown on the attached map marked as Appendix "A", on the following basis:

(a) That Blocks "1" & "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District;

(b) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) Notwithstanding Section 10C.(1) of Zoning By-law No. 6593, the following uses shall be permitted on Block "1":

(1) a senior citizens multiple dwelling containing a maximum of seventy-eight (78) "housekeeping dwelling units" only within the existing building;

(2) a dining room only in conjunction with a senior citizens multiple dwelling;

(3) a hair salon only in conjunction with a senior citizens multiple dwelling;

(ii) That Section 10C(3) shall not apply to the existing building on Block "1";

(iii) Notwithstanding Section 10C(5) the gross floor area of the senior citizens multiple dwelling shall not exceed 4480.0 m^2 (48,223.89 S.F.) on Block "1";

(iv) That an amenity area having a minimum gross floor area of 518.0 m^2 (5,575.88 S.F.) including, but not limited to, a library, chapel, games room, bar and lounges, shall be provided and maintained for the senior citizens multiple dwelling within the existing building;

(v) That Section 18. (4)(iv) of Zoning By-law No. 6593 shall not apply;

(vi) Notwithstanding Table 1 of Section 18A of Zoning By-law No. 6593, a minimum of 26 parking spaces shall be required for a senior citizens multiple dwelling containing not more than seventy-eight (78) "housekeeping dwelling units", as follows:

(1) a minimum of ten (10) parking spaces shall be provided and maintained on Block "1" ;

(2) a minimum of sixteen (16) parking spaces shall be provided and maintained on Block "2";

(vii) Notwithstanding Section 18A.(9), sixteen (16) of the required parking spaces for the seniors multiple dwelling shall be provided and maintained on the lot located at No. 46 Grant Avenue (Block "2");

(viii) Notwithstanding Section 18A.(1)(C), one (1) loading space at 9.0 m x 3.7 m x 4.3 m shall be provided and maintained for the senior citizens multiple dwelling on Block "1";

(ix) That for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1360, and that the subject lands on Zoning District Map E-13 be notated S-1360;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council;

(e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(f) That the Approved Landsdale Neighbourhood Plan be amended by redesignating the subject lands from "Civic & Institutional" and "Commercial & Apartments" to "Medium Density Apartments" upon finalization of the implementing By-law.

* Alderman Copps opposed.

2. BUILDING COMMISSIONER

(a) 39 North Oval

Alderman Caplan advised that Mr. Cole has asked for a refund to his Building Permit and Demolition Permit. He also advised that the time limit for the Offer to Purchase has expired, therefore, he recommended that no action be taken on this report.

Len King advised that he has received a letter from Mr. Cole requesting a refund for the Building and Demolition Permits.

Alderman Kiss stated that she would prefer that the application be denied.

Mr. King advised that the Council resolution to deny the demolition is still a valid one and both applications will be cancelled immediately.

The City Solicitor stated that based on the correspondence, there is no application before the Committee. She recommended that the Committee both receive the letter from Mr. Cole and that they take no action on the recommendation of the Building Commissioner.

The Mayor advised that since Bill 20 is now passed, anyone applying can only get a single family building permit.

In response to a question from the Mayor, Len King advised that all demolitions come before the Committee at present.

Alderman Eisenberger stated that the Committee has unanimously supported the neighbourhood residents.

Following discussion, the Committee resolved that the correspondence of Mark Cole requesting the withdrawal of both his Building and Demolition Permit Applications be received and that no action be taken on the Building Commissioner's report for 39 North Oval dated 1996 May 15.

3. REFERRALS FROM COUNCIL

(a) Correspondence from Gould Outdoor Advertising regarding Third Party/ Billboard Signs

The Committee resolved that the correspondence from Gould Outdoor Advertising regarding Third Party/Billboard Signs dated 1996 May 15 be referred to the Planning and Development Department staff.

(b) **Downtown Redevelopment - Information Report from Building Commissioner, Director of Planning and Development and Chief Administrative Officer**

The Committee resolved that the information report from the Building Commissioner, Director of Planning and Development and Chief Administrative Officer dated 1996 May 22 be referred to Planning and Development Department staff and Building staff for a report.

4. **DIRECTOR OF PLANNING AND DEVELOPMENT/ CHIEF ADMINISTRATIVE OFFICER**

Request for a further modification in zoning for lands located at 252, 262, and 268 James Street South.

Paul Mallard advised that a severance has been previously approved through zoning at the Planning and Development Committee. He stated that this is coming before the Committee because a few sideyard setbacks were inadvertently omitted which are now being cleaned up.

As recommended by the Director of Planning and Development in a report dated 1996 May 13, the Committee recommended to Council as follows:

That Section 2(a) of the SIXTH Report of the Planning and Development Committee for 1996 which modified the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of By-law No. 6593, applicable to Blocks "1", "2" & "3", for property at 252, 262, and 268 James Street South, be amended by adding a new clause (k) as follows:

(k) That notwithstanding Section 11A(3)(ii)(b) of Zoning By-law No. 6593, the existing buildings shall provide and maintain side yards, as follows:

1) a 0.45 m side yard shall be provided and maintained for the north lot line of Block "2"; and,

2) no side yard shall be provided and maintained for the north lot line of Block "3";

2. **BUILDING COMMISSIONER (cont'd)**

(b) **Delegation of Approval Authority to Committee of Adjustment - Land Severance**

As recommended in a report dated 1996 May 14, the Committee recommended to Council as follows:

That pursuant to Regional Council's delegation of approval authority for consent applications to the City of Hamilton, effective 1996 July 1, the City Solicitor be authorized and directed to prepare a by-law for approval by City Council, to delegate the authority to the Committee of Adjustment, effective 1996 July 1.

5. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

Minutes of the meeting held 1996 May 8

The Minutes of the meeting held 1996 May 8 were adopted as circulated.

THE COMMITTEE RECOMMENDED TO COUNCIL VARIOUS RECOMMENDATIONS AS FOLLOWS:

B. SECRETARY, LACAC

(a) Pigott/Sun Life Building - Heritage Permit dated 1996 May 13

That a Heritage Permit be approved for the designated Pigott/Sun Life Buildings located at 36 James Street South and 42 James Street South, respectively, to mount four projecting sign banners measuring 3' wide and 12' high on the east (James Street) facade of the Pigott Building and four identical banners on the south (Main Street) facade of the adjacent Sun Life Building and to install a security camera in the top north-east corner of the entrance lobby of the Pigott Building.

(b) Dundurn Castle Stable Building - Heritage Permit for Renovations for Conference Centre dated 1996 May 16

That a Heritage Permit be approved for the following alterations, which will affect the exterior of the designated Dundurn Castle Stable Building:

(i) installation of mechanical equipment and enclosure (approximately 15'9" x 6' x 6' high), located 4' south of the south facade (facing York Boulevard), as shown on the revised drawings attached hereto and marked as Appendix "B". The enclosure will be covered by a metal grate and camouflaged by a cedar palisade fence and plantings; and,

(ii) installation of 2 vents in west roof gable as shown on Appendix "C" attached hereto.

C. BUILDING COMMISSIONER

(a) 412 Charlton Avenue West - Demolition dated 1996 May 14

That the Building Commissioner be authorized to issue a demolition permit for 412 Charlton Avenue West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

Prior to voting on the motion, a brief discussion ensued.

Alderman Kiss stated that the Simmons family has not been involved and they are unaware that this is on the agenda and she therefore requested tabling.

Alderman Drury stated that the battle on this issue has been fought at the O.M.B. and what is before the Committee is now permitted.

Paul Mallard reiterated that a by-law is being prepared at the direction of the Ontario Municipal Board.

Alderman Eisenberger stated there is no purpose to tabling this issue, one month will make no difference and may lead people to believe the Committee can make a decision different to that of the Ontario Municipal Board.

The City Solicitor advised that based on the Ontario Municipal Board decision, the residents cannot oppose this recommendation before the Committee.

* Alderman Copps opposed.

(b) **486 Gray's Road - Demolition dated 1996 May 14**

That the Building Commissioner be authorized to issue a demolition permit for 486 Grays Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(c) **Barton Street Festival - dated 1996 May 10**

(i) That the budget, as outlined in Appendix "D", be approved for a Festival in the Park to be held in Woodland Park on 1996 June 15 in conjunction with the Barton Street Redevelopment Program; and,

(ii) That the City Treasurer be authorized and directed to forward $6,441 ($8,051 - 20% holdback) for the Festival in the Park to the Barton Street B.I.A.. The outstanding balance of $1,610 to be forwarded upon submission of a statement of account.

Prior to voting on the motion, a discussion ensued.

Alderman Copps questioned the administration fee. Mr. King advised that the $1,050 is for B.I.A. administration costs, but, that he would look into it and explain it in more detail prior to the Council meeting.

In response to a question from the Mayor, Len King also advised that an Information Report will be sent to the Committee with regard to what changes have occurred to dated on Barton Street with regard to the revitalization. The Mayor stated that clean-up and beautification of the City is imperative.

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

As recommended by the Secretary of the Planning and Development Committee in a report dated 1996 May 15, the Committee received for information purposes the following items:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Building Commissioner - Loan Cancellation, Commercial Property Improvement Loan Program 359 Barton Street East, dated 1996 May 3

(b) Building Commissioner - Loan Cancellation, Commercial Property Improvement Loan Program 399 Barton Street East, dated 1996 May 3

(c) Secretary, LACAC - Minutes of the Meeting held 1996 April 15, dated 1996 May 13

(d) Director, Planning and Development & CAO - Approved Site Plan Control Application, dated 1996 May 15

(e) Ministry of Municipal Affairs and Housing - Bill 20 Information Sessions, distributed 1996 May 3

6. OTHER BUSINESS

(a) **Report from J.D. Thoms, Commissioner of the Regional Environment Department Regarding Claudette Gardens Phase 7 and Wisemount Estates Phase 7 Cash Payment in Lieu of 5% Parkland Dedication**

(i) That Item 7 of the TENTH Report of the Planning and Development Committee Report for 1995, approved by Council on 1996 March 28 regarding the approval of the sum of $3,750 representing the cash payment in lieu of 5% parkland dedication for "Claudette Gardens - Phase 7" be rescinded and replaced with Item (b) below.

(ii) That the City of Hamilton accept the sum of $39,275 as a cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 7", Hamilton, and the sum of $10,890 as a cash payment in lieu of the 5% land dedication in connection with "Wisemount Estates - Phase 7", Hamilton being the cash payment required under Section 51 of the Planning Act.

(b) **Storm Damage Information Report from the Building Commissioner dated 1996 May 22**

The Committee moved to received the Report of the Building Commissioner dated 1996 May 22 on the storm damage of 1996 May 20.

(c) **Memo to the Committee from the Secretary of the Finance and Administration Committee with regard to Zoning Requirements for Gambling Locations**

The Committee resolved that the memo be referred to the Planning and Development staff for a report.

(d) Alderman Copps requested that in addition to the Item on the Outstanding List with regard to Monster Homes that policy changes throughout the City also be added to the list.

7. PRIVATE AND CONFIDENTIAL AGENDA

83 Simcoe Street East - Ontario Home Renewal Program

As recommended in the report from the Building Commissioner dated 1996 May 22, the Committee recommended as follows:

That the total outstanding Ontario Home Renewal Program loan for Mrs. E. Barbieri, 83 Simcoe Street East, in the amount of $544.82 be placed on the tax rolls.

8. ADJOURNMENT

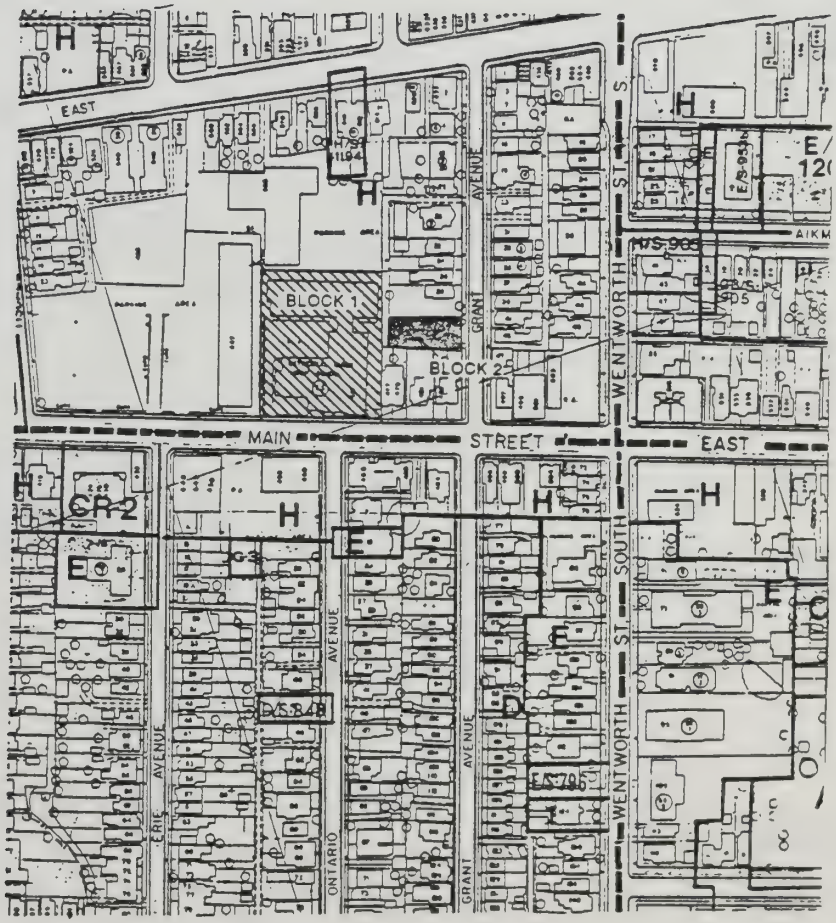
There being no further business, the Committee meeting adjourned.

Taken as read and approved.

Alderman Don Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary
/br

Appendix "A" as referred to in Section 1. of the Planning and Development Committee Minutes dated 1996 May 22



Legend

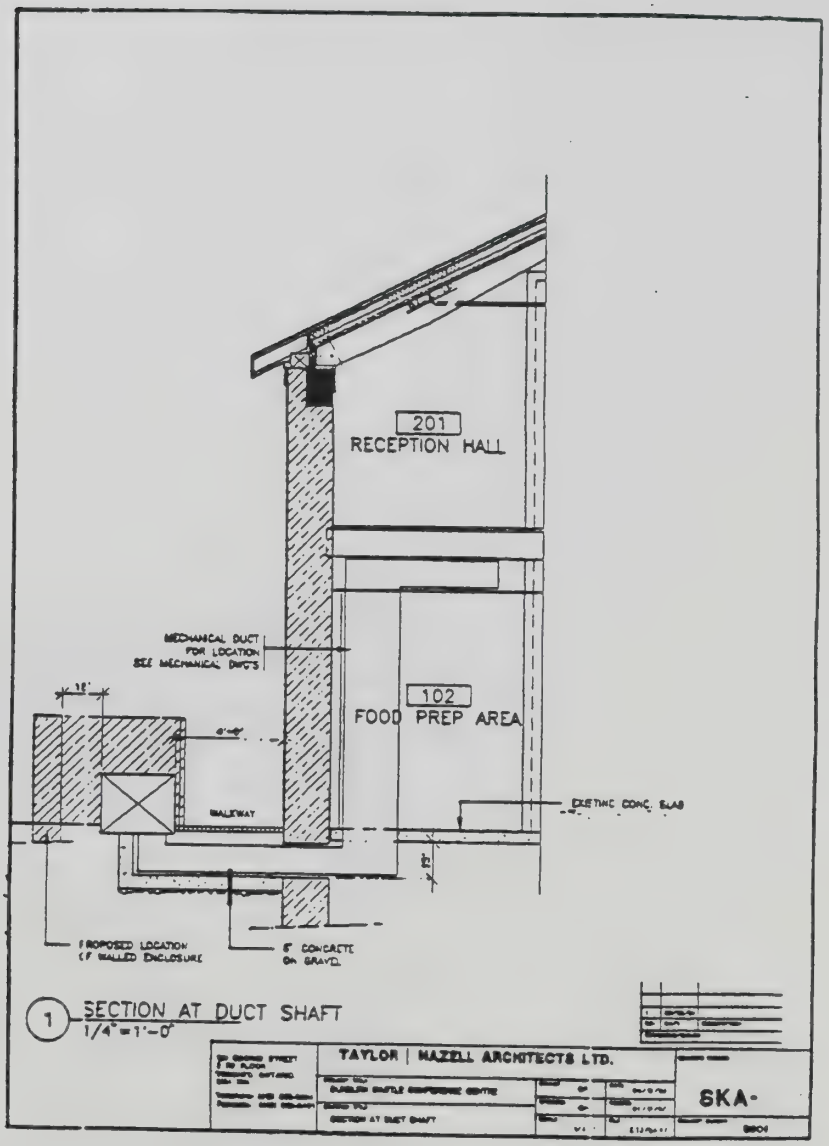
BLOCK 1 and BLOCK 2

From "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District, Modified.

ZAR-96-03

Appendix "A"

Appendix "B" as referred to in
Section 5. B. (b) (i) of the Planning and
Development Committee Minutes
dated 1996 May 22



Appendix "C" as referred to in
Section 5. B. (b) (ii) of the Planning
and Development Committee Minutes
dated 1996 May 22

Appendix "D" as referred to in
Section 5. C. (c) (i) of the Planning and
Development Committee Minutes
dated 1996 May 22

JUNE 1996 FESTIVAL BUDGET

ENTERTAINMENT: (INC. CLOWNS & BOUNCING CASTLE)	$4,100.00
FOOD: HOT DOGS, SAUSAGES, PIZZA, BUNS CONDIMENTS, POP	$300.00
PLATES, NAPKINS, GARBAGE BAGS TABLE CLOTHS	$75.00
SOUND:	$1,250.00
ADVERTSING (INC. FLYER DISTRIBUTION)	$200.00
PROPANE, BBQ TANKS	$20.00
PRINTING	$200.00
PENNANTS/BALLOONS:	
MISCELLANEOUS:	$500.00
RECONCILIATION (1995)	$356.31
ADMINISTRATION	$1,050.20
TOTAL	$8,051.51

Wednesday, 1996 May 22
7:00 o'clock p.m
Room 233, City Hall

A(b)

A special meeting of the Planning and Development Committee was held.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Alderman G. Copps
Regrets:	Mayor R. Morrow - Civic Business Alderman Wm. McCulloch - Civic Business Alderman F. Eisenberger Alderman M. Caplan Alderman B. Charters Alderman H. Merling
Also Present:	Victor Abraham, Director of Planning Caroline Floroff, Planning Department Peter Lampman, Building Department Tina Agnello, Secretary

There being insufficient members to constitute a quorum, no meeting was held.

Alderman Don Drury, Chairperson
Planning and Development Committee

Tina Agnello
Secretary
/br

B (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 May 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len King, P. Eng.
Building Commissioner

SUBJECT: Commercial Property Improvement Loan Program (CPILP)
274 Barton Street East (96.2.4.2.1.A, 96.2.14)

RECOMMENDATION:

(a) That a secured loan in the amount of twenty-three thousand and eighteen dollars ($23,018) to Loriann Stokes, Kevin Stokes, and Richard Kebick, c.o.b. as Silvestri's Paradise of Flowers, for improvements to 274 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3 1/4 per cent, amortized over 10 years, and;

(b) That a grant from the Barton Street Revitalization Fund in the amount of eleven thousand, five hundred and nine dollars ($11,509.) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The owner of 274 Barton Street East has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the cost of repairs.

.../2

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loans and grants to the applicant for improvements to 274 Barton Street East:

$23,018 loan amortized over ten years at 3 1/4 per cent interest
$11,509 Grant portion
Security: promissory note and lien
Monthly payments $224.70

A lien for $23,018 will be registered on title. While the lien will be in third place to mortgages totalling $75,000, there is equity of at least 25% or $32,000 which is in excess of the loan and the two mortgages. Silvestri's Paradise of Flowers is also a successful business servicing clients who relate to the Hamilton General Hospital.

LCK/MM/dc

c.c. R. Camani, Treasury Department
D. Clarke, Building Department
D. Powers, Law Department

B (6)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
8 DUNDURN STREET NORTH - Tag Number 96510 (96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 8 Dundurn Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Map W-12)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Tim Horton's Drive-Thru

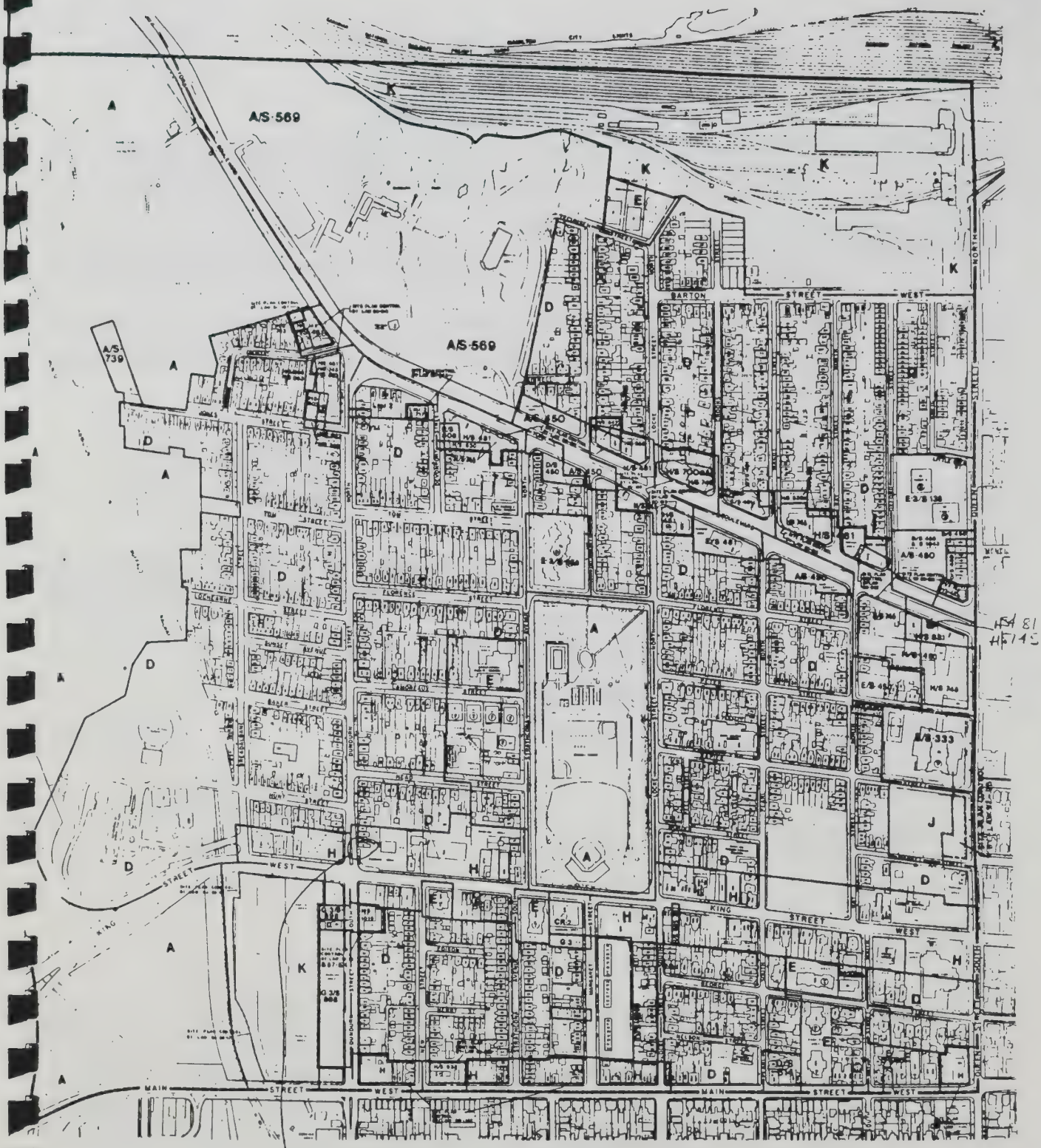
BRIEF DESCRIPTION: The property located at 8 Dundurn Street North is in Ward 1 and is located in the Strathcona Neighbourhood (see attached neighbourhood map). The owner wishes to demolish the existing two storey brick construction single family dwelling and build a commercial Tim Horton's "Drive-Thru". As of 1996 June 4, no permit has been applied for to replace the existing dwelling nor have there been any applications made to the Land Division Committee, Committee of Adjustment or any proposed zoning changes. No LACAC interest. Lot size 22.920' x 89.580'.

The owner of the property and the applicant as per the demolition permit is:

Joe Krasic, c/o 151 York Boulevard, Hamilton, Ontario, L8R 3M2

ND/zr

ND



#8 DUNDURN ST. NORTH

39	40	107
126	127	21
128	82	41

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

STRATHCONA

ZONING

Neighbourhood Boundary
Zoning Boundary

SCALE

NORTH

Prepared for The City of Hamilton
by the Planning and Development Department
of the Regional Municipality of Hamilton-Wentworth

PLANNING FILE No. 6804

MAP No. 127

B (c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
10 DUNDURN STREET NORTH - Tag Number 96509 (96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 10 Dundurn Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Map W-12)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Tim Horton's Drive-Thru

BRIEF DESCRIPTION: The property located at 10 Dundurn Street North is in Ward 1 and is located in the Strathcona Neighbourhood (see attached neighbourhood map). The owner wishes to demolish the existing two storey brick construction single family dwelling and build a commercial Tim Horton's "Drive-Thru". As of 1996 June 4, no permit has been applied for to replace the existing dwelling nor have there been any applications made to the Land Division Committee, Committee of Adjustment or any proposed zoning changes. No LACAC interest. Lot size 23.250' x 89.850'.

The owner of the property and the applicant as per the demolition permit is:

Joe Krasic, c/o 151 York Boulevard, Hamilton, Ontario, L8R 3M2

ND/zr



#10 DUNDURN ST. NORTH -

99	40	107
135	127	21
138	92	41

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CITY OF HAMILTON

STRATHCONA

ZONING

Neighbourhood Boundary

Zoning Boundary

Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton - Wentworth

SCALE 0 50m

NORTH

Number (Part no.) 6804

Sheet no. 127

B (d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
12 DUNDURN STREET NORTH - Tag Number 96512 (96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 12 Dundurn Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Map W-12)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Tim Horton's Drive-Thru

BRIEF DESCRIPTION: The property located at 12 Dundurn Street North is in Ward 1 and is located in the Strathcona Neighbourhood (see attached neighbourhood map). The owner wishes to demolish the existing two storey brick construction single family dwelling and build a commercial Tim Horton's "Drive-Thru". As of 1996 June 4, no permit has been applied for to replace the existing dwelling nor have there been any applications made to the Land Division Committee, Committee of Adjustment or any proposed zoning changes. No LACAC interest. Lot size 22.790' x 89.580'.

The owner of the property and the applicant as per the demolition permit is:

Joe Krasic, c/o 151 York Boulevard, Hamilton, Ontario, L8R 3M2

ND/zr



#12 DUNDURN NORTH

39 40 107 136 127 21 138 82 41 This is not a Legal Document. For Zoning Verification Please Contact City Building Department.	CITY OF HAMILTON STRATHCONA ZONING
Neighbourhood Boundary Zoning Boundary	SCALE 0 100m NORTH
Prepared for The City of Hamilton by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth	PLANNING AREA No. 6804 PAGE No. 127

B (e)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
14 DUNDURN STREET NORTH - Tag Number 96511 (96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 14 Dundurn Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Map W-12)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Tim Horton's Drive-Thru

BRIEF DESCRIPTION: The property located at 14 Dundurn Street North is in Ward 1 and is located in the Strathcona Neighbourhood (see attached neighbourhood map). The owner wishes to demolish the existing two storey brick construction single family dwelling and build a commercial Tim Horton's "Drive-Thru". As of 1996 June 4, no permit has been applied for to replace the existing dwelling nor have there been any applications made to the Land Division Committee, Committee of Adjustment or any proposed zoning changes. No LACAC interest. Lot size 21.5' x 89.580'.

The owner of the property and the applicant as per the demolition permit is:

Joe Krasic, c/o 151 York Boulevard, Hamilton, Ontario, L8R 3M2

/sND/zr



#14 DUNDURN NORTH

39	40	107
135	127	21
136	82	41

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

STRATHCONA

ZONING

Neighborhood Boundary
Zoning Boundary

SCALE 50m

NORTH

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton-Wentworth

6804

127

B (f)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
11 TUXEDO AVENUE NORTH - Tag Number 96613 (96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 11 Tuxedo Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Map E-54)

PRESENT USE: Single Family Dwelling

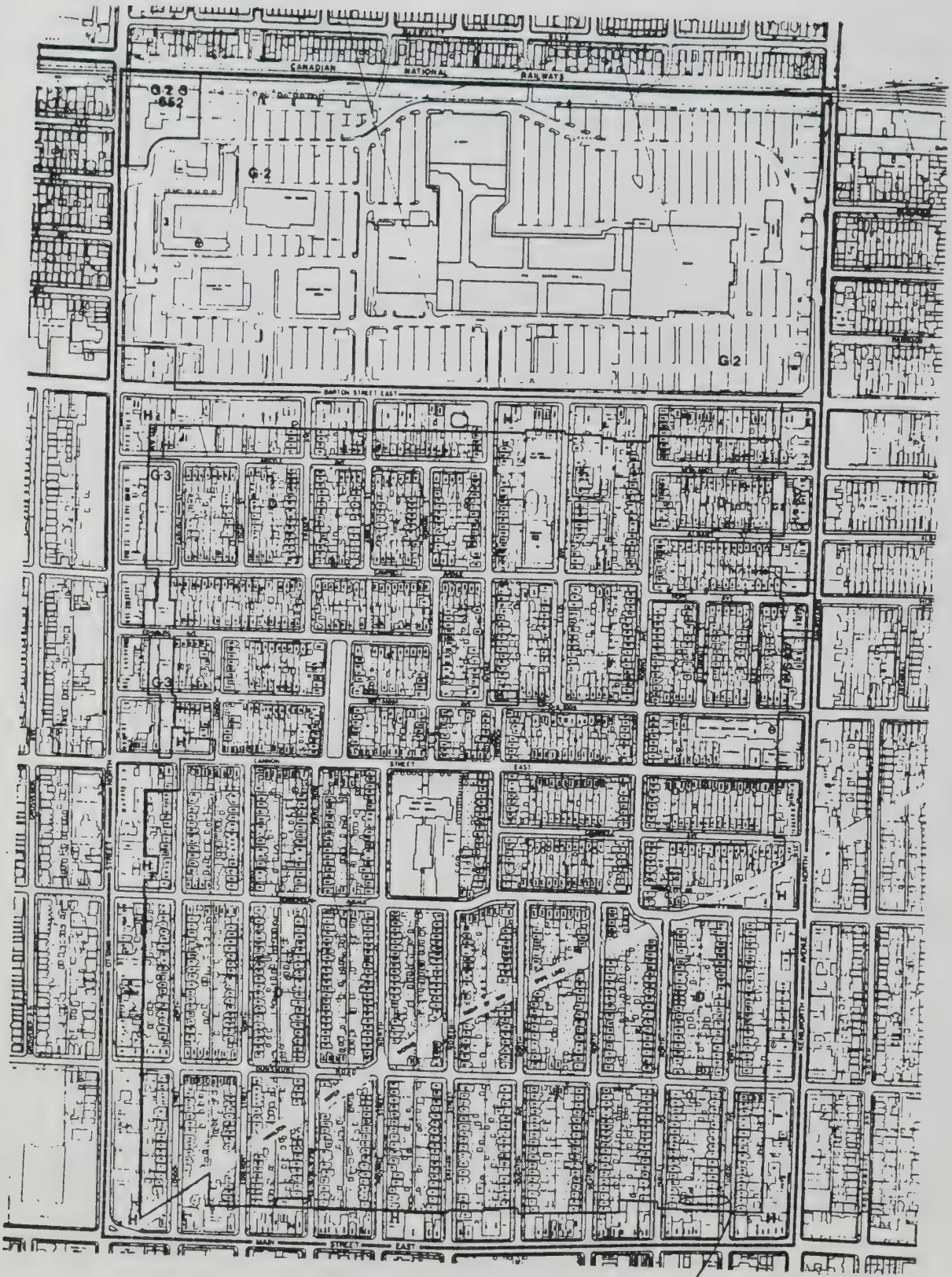
PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The property at 11 Tuxedo Avenue North is in Ward 4 and is located in the Crown Point East Neighbourhood (see attached neighbourhood map). The owner wishes to demolish the existing one storey protected frame single family dwelling and build a new single family dwelling. On 1996 May 24, the owner did submit an application to erect a new single family dwelling. As of 1996 June 4, there have been no applications made to the Land Division Committee, Committee of Adjustment or proposed zoning changes. No LACAC interest. Lot size 29' x 105'.

The owner of the property and the applicant as per the demolition permit is:

Greg Schaefer, 11 Tuxedo Avenue North, Hamilton, Ontario, L8H 4P4

ND/zr



#11 TUXEDO AVENUE NORTH

72 73 74 35 34 33 37 36 9 This is not a Legal Document For Zoning Verification Please Contact City Building Department.	CITY OF HAMILTON CROWN POINT EAST ZONING
Neighborhood Boundary Zoning Boundary	SCALE
Prepared for The City of Hamilton by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth	6510 — 34

B (9)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
150 IVON AVENUE - Tag Number 96518 (96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 150 Ivon Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map E-74)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The property at 150 Ivon Avenue is in Ward 4 and is located in the Normanhurst Neighbourhood (see attached neighbourhood map). The owner wishes to demolish the existing one storey protected frame single family dwelling and build a new single family dwelling. As of 1996 June 4, no permit has been applied for to replace the existing dwelling, nor have there been any applications made to the Land Division Committee, Committee of Adjustment or proposed zoning changes. No LACAC interest. Lot size 30' x 100'.

The owner of the property and the applicant as per the demolition permit is:

Nick Uhac, 69 Mount Albion Road, Hamilton, Ontario, L8K 5S5

ND/zr



74 75 108 96 105 100 9 52 51 This is not a Legal Document. For Zoning Verification Please Contact City Building Department.	CITY OF HAMILTON NORMANHURST ZONING
Neighbourhood Boundary Zoning Boundary	SCALE
Prepared for The City of Hamilton by the Planning and Development Department of The Regional Municipality of Hamilton-Wentworth	8508 — 105

B (1)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
128 HOPE AVENUE - Tag Number 96517 (96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 128 Hope Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map E-63)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The property at 128 Hope Avenue is in Ward 4 and is located in the Homeside Neighbourhood (see attached neighbourhood map). The owner wishes to demolish the existing one storey protected frame dwelling and build a new single family dwelling. On 1996 May 30, the owner did submit an application to erect a new single family dwelling. As of 1996 June 4, there have been no applications made to the Land Division Committee, Committee of Adjustment or any proposed zoning changes. No LACAC interest. Lot size 30' x 125'.

The owner of the property as per the demolition permit is:

Santino Electric Ltd., 160 Community Avenue, Stoney Creek, Ontario, L3E 2X9

The applicant as per the demolition permit is:

Peter Santino, 16 Community Avenue, Stoney Creek, Ontario, L3E 2X9

NOND/zr

128 HOPE AVENUE

CITY OF HAMILTON
HOMESIDE
ZONING
73 74 75
34 66 105
36 9 52
This is not a Legal Document
For Zoning Verification Please
Contact City Building Department
Neighbourhood Boundary
Zoning Boundary
SCALE
Prepared for The City of Hamilton
by the Planning and Development Department
of the Regional Municipality of Hamilton-Wentworth
6509
66
BARTON STREET EAST
CANNON STREET EAST
MAIN STREET EAST
ROXBOROUGH AVENUE
BRITANNIA AVENUE
KENILWORTH AVENUE NORTH
KENILWORTH AVENUE SOUTH
WARDEN AVENUE
STRATHEARNE AVENUE
WARDEN AVENUE
WARDEN AVENUE
WARDEN

C (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE:	1996 June 4 A-96-74
REPORT TO:	Tina Agnello, Secretary Planning and Development Committee
FROM:	V. J. Abraham, M.C.I.P., R.P.P. Director of Planning J. Pavelka, P.Eng. Chief Administrative Officer P. Noé Johnson City Solicitor
SUBJECT:	Authorization for Staff Attendance at an Ontario Municipal Board Hearing

RECOMMENDATION:

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-96-74, respecting property located at No. 229 Kenilworth Avenue North.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

It is estimated that one working day of staff time each will be required, for one representative from the Planning Department (approximately $250) and one from the Law Department (ranging from approximately $500 to $1,000), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

BACKGROUND:

Committee of Adjustment application A-96-74 has recently been appealed to the Ontario Municipal Board. At its meeting of May 8, 1996, the Committee accepted Planning staff's recommendation and denied the application. The proposal is to permit the property at No. 229 Kenilworth Avenue North, to establish a billiard room use (2 pool tables) and live entertainment use, in conjunction with an existing restaurant, notwithstanding that the "H" (Community Shopping and Commercial, etc.) District regulations do not permit the proposed uses. A date for the Board hearing has not yet been set.

CONCLUSION:

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

C (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: June 10, 1996
(P5-2-45)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: **Authorization for a Public Information Meeting - Proposed Falkirk West Neighbourhood Plan**

RECOMMENDATION:

That the Planning and Development Committee authorize a Public Information Meeting to discuss the proposed Falkirk West Neighbourhood Plan.

V. Abraham J. G. Pavelka

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The consulting firm Planning Initiatives Ltd. has prepared a proposed Neighbourhood Plan for the Falkirk West Neighbourhood. The proposed Neighbourhood Plan and accompanying land use schedule (attached as Appendix "A") has been prepared in consultation with staff of the Planning and Development Department and other departments. (Copies of the proposed Falkirk West Neighbourhood Plan policies are available from the Planning and Development Department.)

For over a decade, the Falkirk West Neighbourhood has been subject to several planning proposals and a previous effort at creating a Neighbourhood Plan.

On January 21, 1986, Arosa Properties Limited submitted a zoning application to permit a low density apartment development consisting of 260 apartment units in 22 buildings with a maximum height of three storeys at 713 Stone Church Road West.

On March 26, 1986, the application was denied by Planning and Development Committee because of the absence of an approved Falkirk West Neighbourhood Plan and the unavailability of municipal sewers.

In July, 1986, Planning and Development Committee authorized the preparation of a Neighbourhood Plan by May, Pirie and Associates under the direction of the Planning and Development Department.

On March 20, 1993, a Public Information Meeting was held to invite comment from affected citizens and landowners on a proposed Falkirk West Neighbourhood Plan.

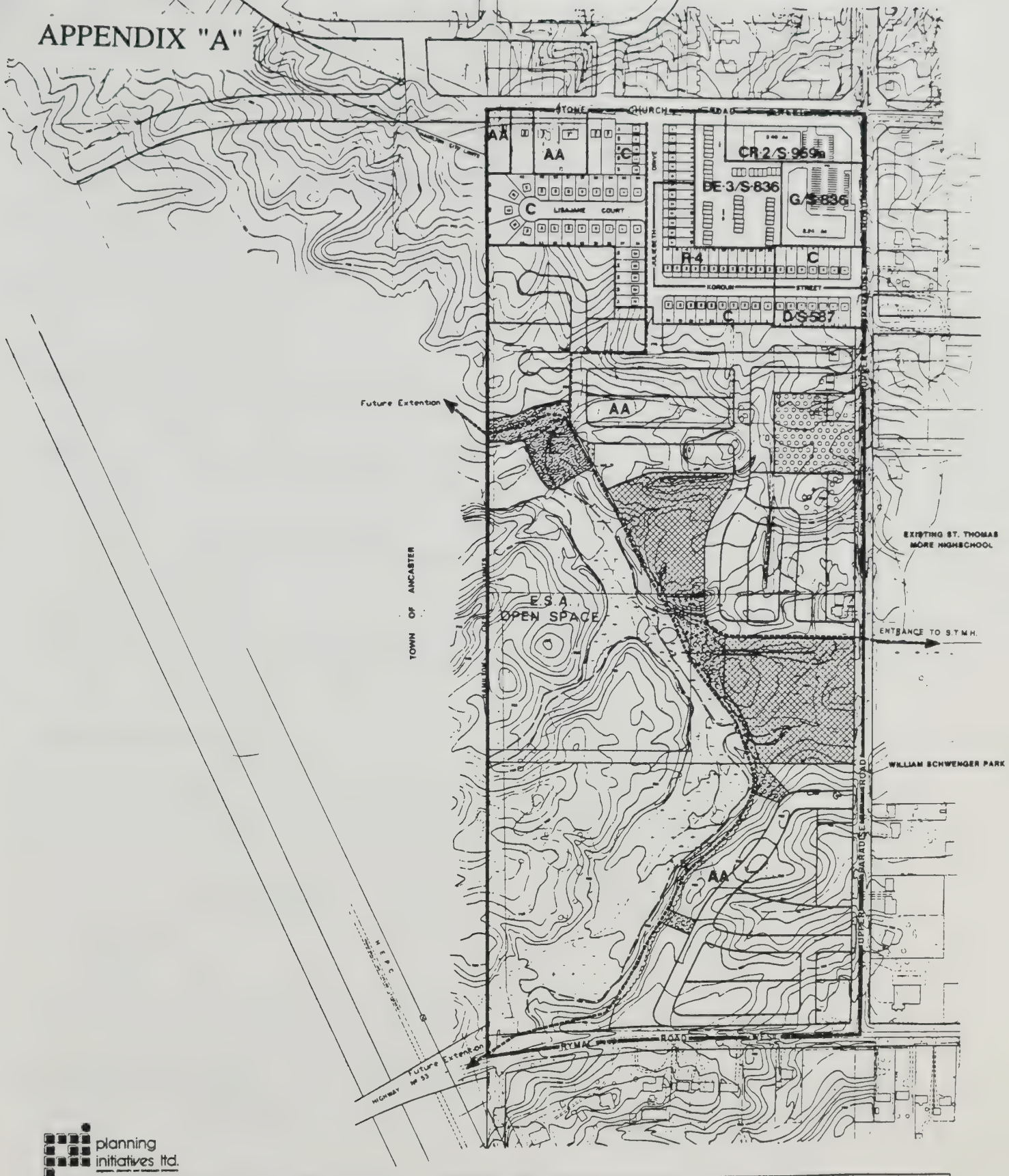
Following the Public Information Meeting, background studies on the implications of potential development on the Wetland and stormwater management were initiated.

On May 24, 1995, the Planning and Development Department was advised that the consulting firm Planning Initiatives Ltd. had been retained by various landowners within the Falkirk West Neighbourhood to prepare and finalize the Neighbourhood Plan.

In March, 1996, a draft Falkirk West Neighbourhood Plan was forwarded for staff review and comment and has been subject to several revisions. Since sewers are presently available for the Falkirk West Neighbourhood to facilitate development, a Public Information Meeting should now be held to obtain input from property owners and affected citizens on the proposed Falkirk West Neighbourhood Plan.

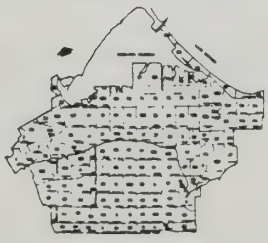
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APPENDIX "A"



planning initiatives ltd.

City of Hamilton
Neighbourhood Location



1994 POPULATION 469

Land Use

Residential

- Single and Double
- Attached Housing
- Innovative Housing

Non-Residential

- Park and Recreational/ Greenspace Area
- Open Space
- Storm Water Management Facility
- Utilities (H.E.P.C.)
- Bicycle path / Pedestrian Linkage

Note: This is a public plan only and is subject to change. For details contact the Local Planning Division

- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary

Approvals

Planning Bd DEC 10, 97

Council MARCH 10, 98

Latest Map Amendment

FALKIRK WEST

APPROVED PLAN

Prepared for the City of Hamilton by the Planning and Development Department

C (c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 11
P5-2-5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Authorization for Public Meeting
Albion Falls Neighbourhood Plan Review

RECOMMENDATION:

a) That the Planning and Development Department be directed to hold a public meeting to discuss the proposed neighbourhood plan with owners and residents.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To implement the approved plan will require municipal budget servicing contributions. There are no provisions in the five year capital budget. There is also the possibility of providing piped water to the twelve properties in the interim, where trucked water is now supplied, at a lesser cost.

THE SUBJECT PROPERTY (Map 1)

The area contains 23 property ownerships on about 36 acres. There are 15 privately owned single family dwellings along with City, Region and Board of Education lands. The City currently owns about 17 acres or about half the site.

BACKGROUND:

In 1982 a Neighbourhood Plan was approved by Council which designated the land for open space and recreation. Mud Street was to be closed to provide an open space node at the intersection of the Niagara Escarpment Brow and the Red Hill Creek Valley. On February 28, 1995, Council adopted Official Plan Amendment 130 to change the subject area to residential. The Amendment was approved by the Region on January 26, 1996. In addition, Council directed staff to prepare a neighbourhood plan for the area.

PROPOSAL (Map 2):

The draft neighbourhood plan allows for 135 detached dwellings, 20 townhouses and 8 acres of parkland on full sewer and water services. Since there are presently no budget commitments to fully servicing this area over the next five years, it is likely to be well into the future before the area is fully developed.

Two road accesses are required for safety reasons. A new vehicular bridge at Arbour Road would supplement the Pritchard Road bridge which is planned to be constructed over the proposed freeway. A bridge at Arbour Road would significantly reduce the costs of Mud Street upgrading and reconstructing the bridge over Red Hill Creek on Mountain Brow Blvd. At all times two accesses to the neighbourhood must be retained and connected. Phasing of service provision will be guided by this principle.

A current concern of residents is that 12 houses have their water trucked (three houses on Arbour are on piped services). Public funding for piped water could come from the sale of one or two City owned two acre lots to the east of Pritchard Road. Two acres is large enough for a septic tank in the Albion Falls area. Care should be taken when siting dwellings to ensure the final plan can be implemented. Piped water to the 12 properties would provide an interim situation to which the Health Department do not object. However, they warn that if households use more water, there is greater likelihood that septic tanks will fail. Failures would be the responsibility of the owner and may be expensive to fix. Warning owners about such an eventuality and their liability would lessen the problem.

Since Mud Street abutting the Escarpment Brow and the north part of Arbour Road will eventually be closed to traffic and become a trail, the concept of an open space node at the intersection of the Escarpment Brow and Red Hill Creek will be retained.

AGENCY COMMENTS

Niagara Escarpment Commission - no objection subject to setback buffers within vicinity of Escarpment and Red Hill Creek.

Hamilton Region Conservation Authority - the neighbourhood plan should include adequate area for stormwater management facilities.

Public Health Services Department - do not object to the proposed neighbourhood plan. If piped water services are supplied on an interim basis, the Department does not object. However, until municipal sanitary sewers are present, all homeowners in the area must be informed that any septic system malfunction will require remediation which may be costly to residents.

Environmental Services and Roads Department - concerned about the costs of providing water and sewers.

Traffic - concerned about closing Mud Street to through traffic prior to provision of a second access, i.e. Arbour Road.

School Boards - no objection.

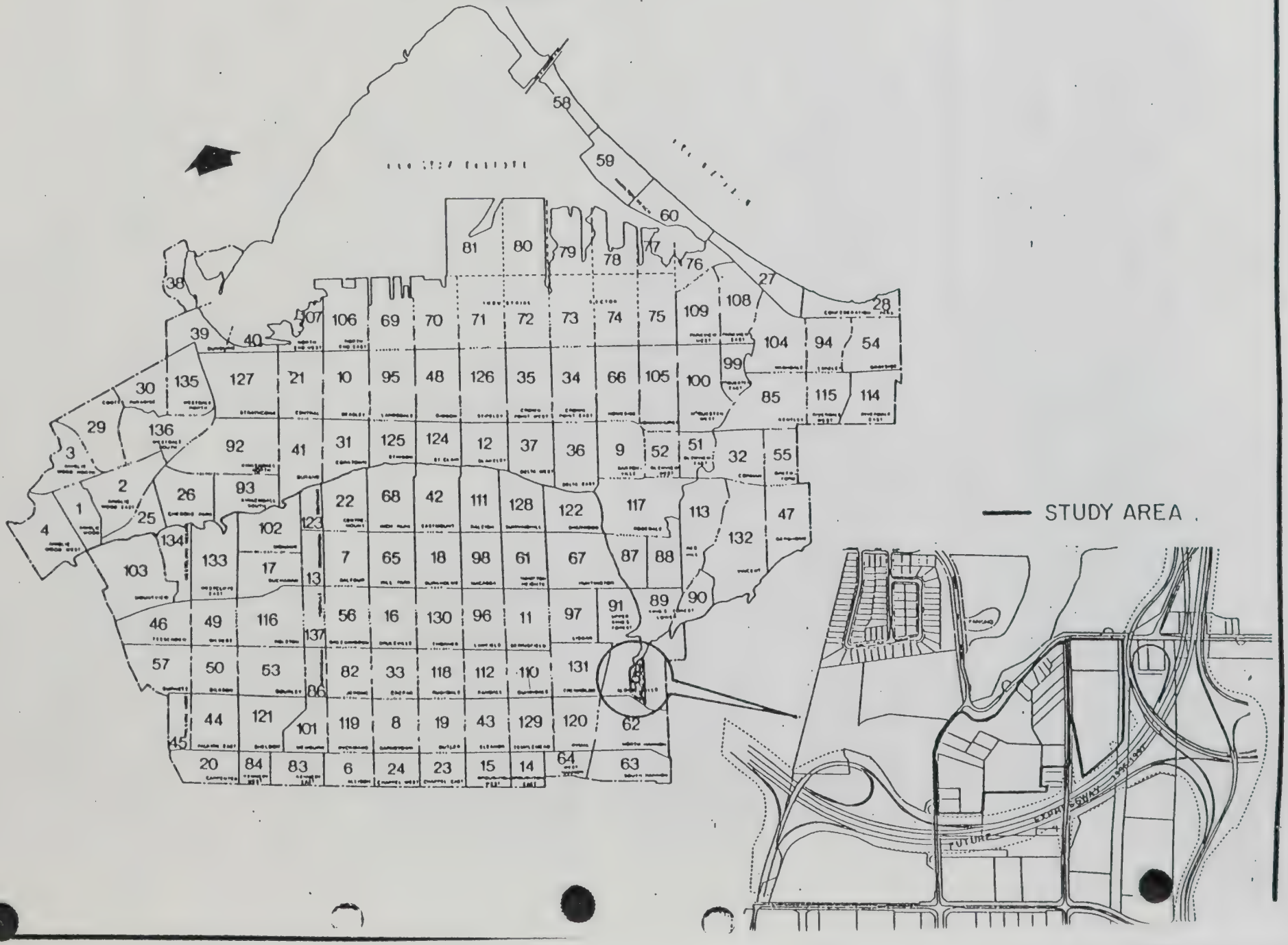
Regional Planning - prefer higher density with more open space. Point out that an Environmental Impact Study is needed since the subject property is adjacent to an Environmentally Significant Area.

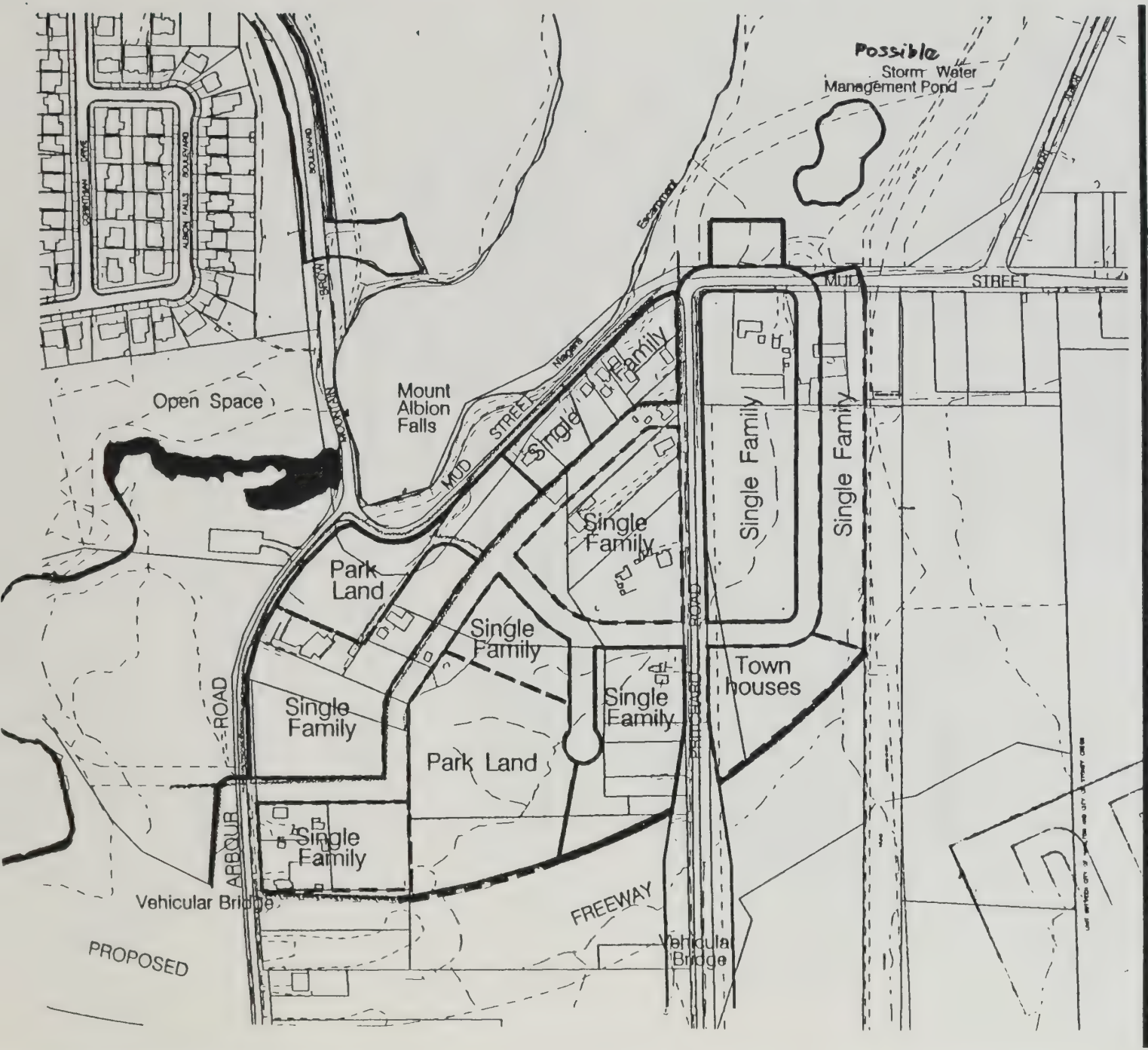
CONCLUSION

It is appropriate to hold a public meeting for the residents and owners affected. Once feedback has been received, a review of the issue can be brought to Planning and Development Committee. A public meeting has been tentatively set for 7 p.m. June 24, 1996 at Huntington Park Recreation Centre.

DG:ns

Neighbourhood Location
MAP 1





MAP 2

June 1996

ALBION FALLS NEIGHBOURHOOD PLAN

C (d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 11
(CDM-CONV-95-005)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Proposed Draft Plan of Condominium by Roy Megna (In Trust) -
352-356 Hunter Street East and 122 Emerald Street South, Stinson Neighbourhood

RECOMMENDATIONS:

a) That approval be granted to application CDM-CONV-95-005 submitted by Roy Megna (In Trust), owner, for a draft plan of condominium for property located at Nos. 352-356 Hunter Street East and 122 Emerald Street South to provide for a condominium comprised of a 3 storey apartment building containing 22 individual apartment condominium units, subject to the following conditions:

   i) That this approval applies to the attached draft plan dated March 6, 1996 prepared by Consoli and Jacobs Surveying Ltd., O.L.S.;

   ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;

   iii) That prior to approval of the final plan,

      aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

      bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593;

iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-005);

v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan.

c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

Roy Megna (In Trust), Hamilton, Ontario

Surveyor -

Consoli and Jacobs Surveying Ltd., Hamilton, Ontario

Location -

The lands known municipally as Nos. 352-356 Hunter Street East and 122 Emerald Street South, comprising 0.25 acres, are located at the south-west corner of Hunter Street East and Emerald Street South, in the Stinson Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert an existing rental apartment building containing 22 units on 3 floors to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Urban" on Map 1 - the Regional Development Pattern. The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

City of Hamilton Zoning By-law - The lands are zoned "E" - Multiple Dwellings (Lodges, Clubs, etc.) District.

Neighbourhood Plan - The lands are designated "Medium Density Apartments" according to the Stinson Neighbourhood Plan. The proposal complies.

Rental Housing Protection Act - Application CD-95-005 was approved by Council on June 21, 1995 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

The following agencies had no comments or objection toward the proposal:

Building Department
Traffic Department
Ontario Hydro
Hamilton Hydro
Union Gas
Bell Canada

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"INFORMATION:

The applicant/owner should be advised that according to our records, the north-south alley adjacent to the subject lands is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the subject lands from the unassumed alley."

COMMENTS:

The applicant wishes to convert 22 existing rental apartment units to 22 condominium apartment units on the subject property. To complete this process, the applicant must first acquire approval

from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property.

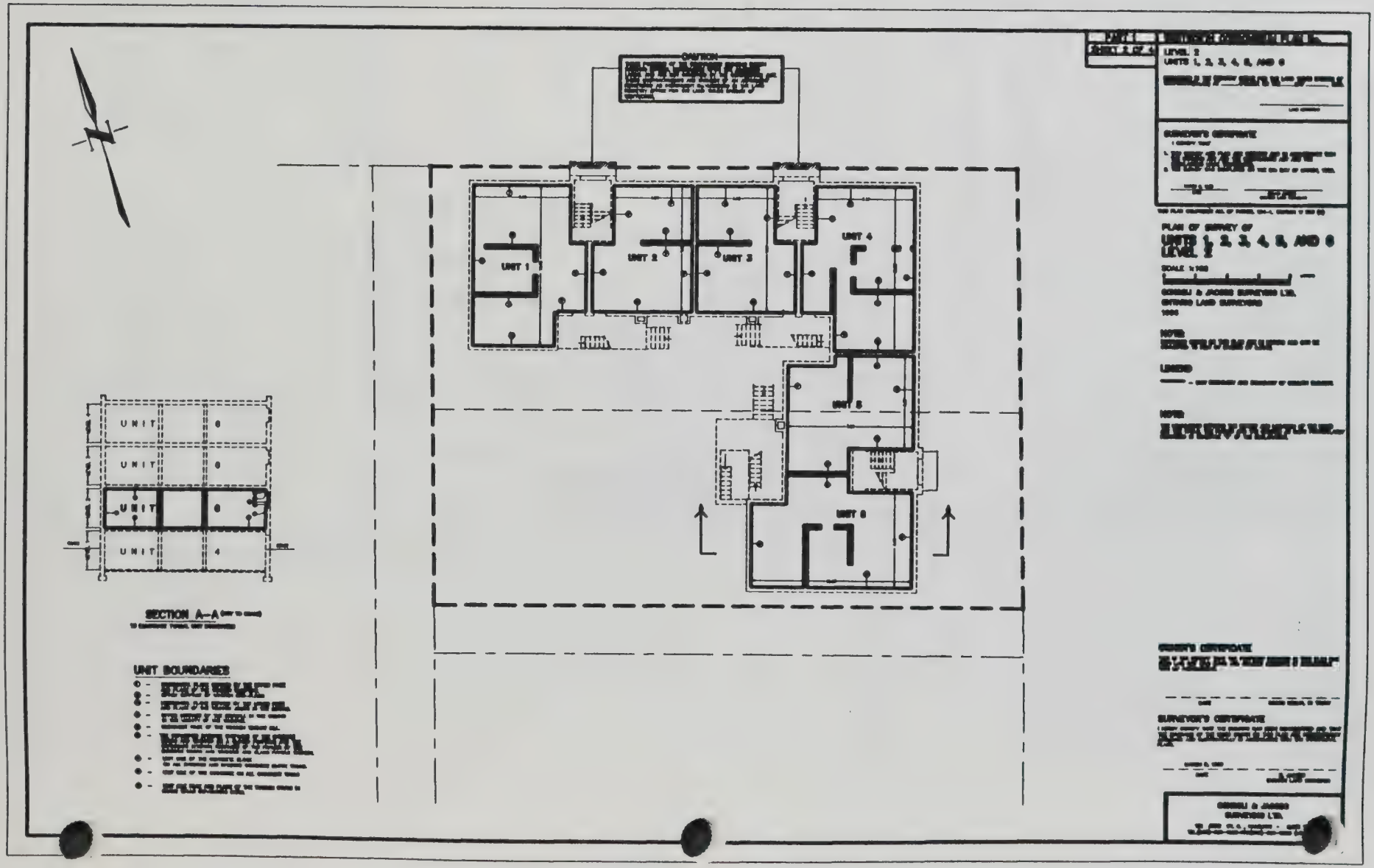
On June 21, 1995, Council approved application CD-95-005 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have had to complete the Rental Housing Protection Act conditions and received the Rental Housing Protection Act Certificate of Approval.

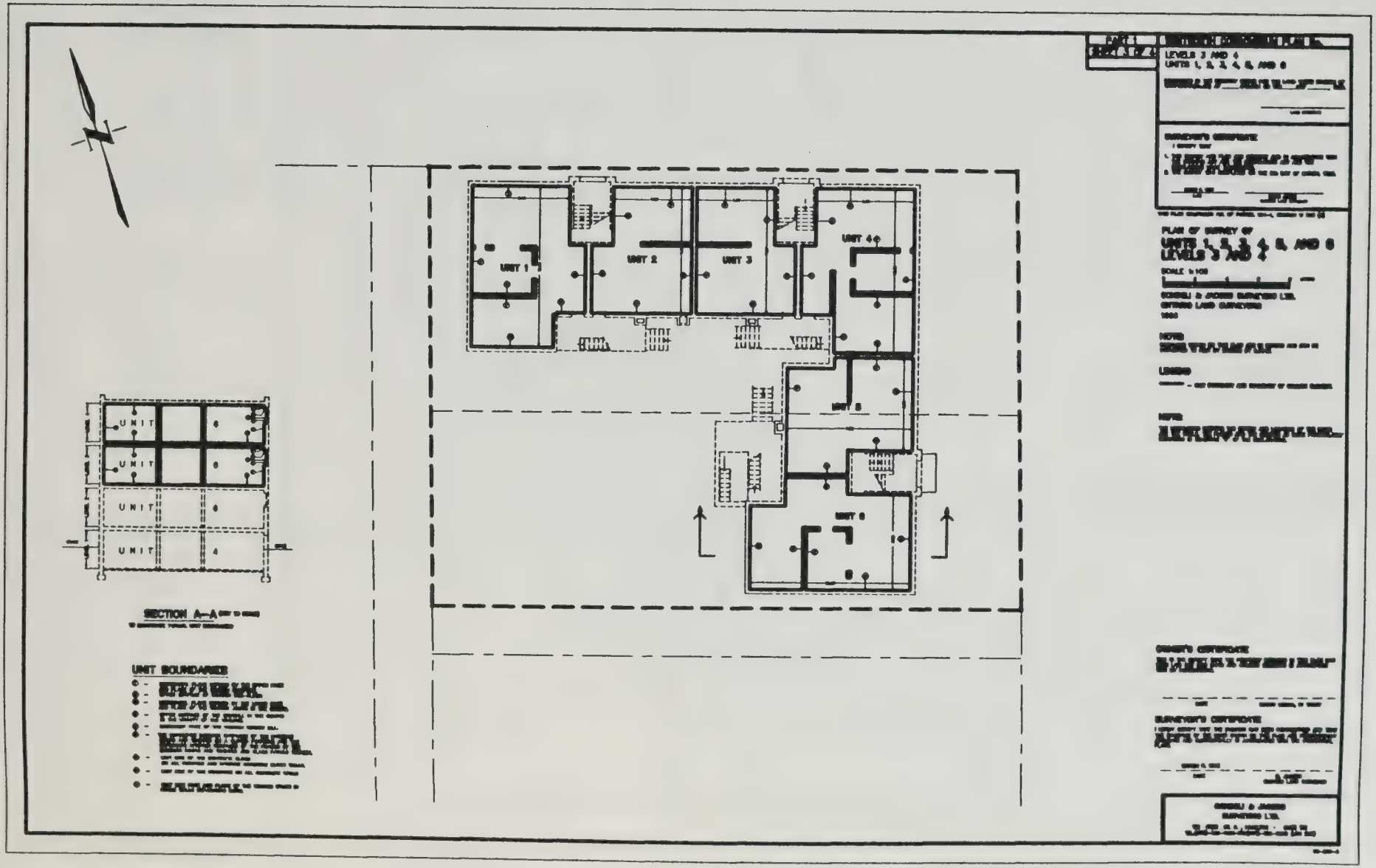
CONCLUSION:

Based on the above the draft plan of condominium be approved, subject to the conditions outlined.

JHE

LOT 153
REGISTERED
PLAN
LOT 154
LOT 155
No. 223
EAST
HUNTER
STREET
UNIT 1
UNIT 2
UNIT 3
UNIT 4
PART 1
PLAN 62R - 15703
INSTRUMENT No. 177341
PARCEL 154-1,
SECTION M223(2)
UNIT
UNIT
UNIT
UNIT
SECTION A-A
UNIT BOUNDARIES


UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT
UNIT
UNIT
UNIT
SECTION A–A
UNIT BOUNDARIES
PLAN OF SURVEY OF
LEVEL 2
SURVEYOR'S CERTIFICATE
SURVEYOR'S CERTIFICATE


UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT
UNIT
UNIT
UNIT
SECTION A–A
UNIT BOUNDARIES

PLAN OF SURVEY SHOWING
EXTENT AND LOCATION OF THE
EXCLUSIVE USE PORTIONS OF
THE COMMON ELEMENT OF

LEVEL 1

EMERALD STREET SOUTH

HUNTER STREET

LOT 153
REGISTERED PLAN

LOT 154
PART 1

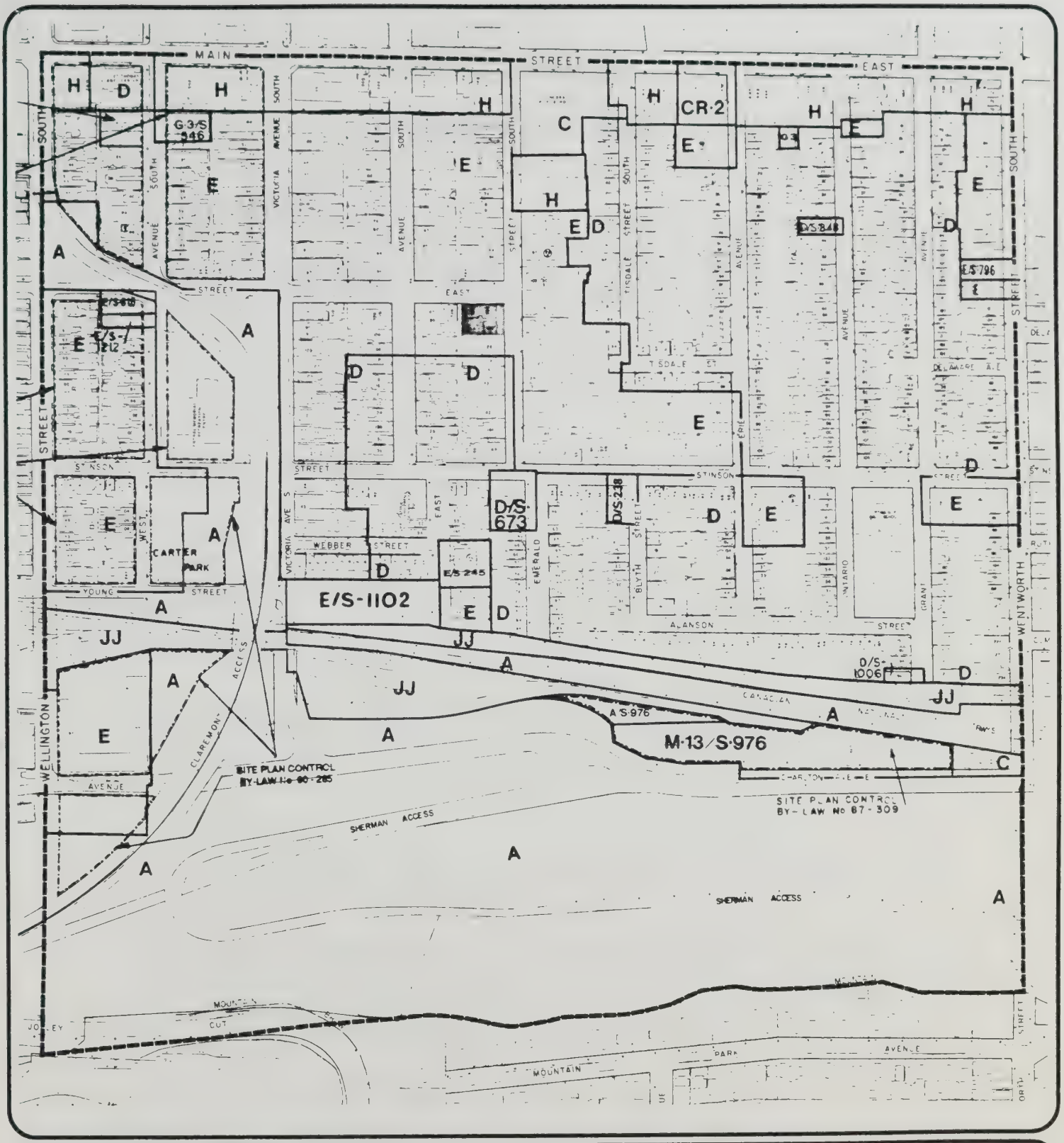
LOT 155
PLAN 62R - 13703

No. 223

UNIT 1
UNIT 2
UNIT 3
UNIT 4
LAUNDRY ROOM
ELECTRICAL ROOM
STORAGE
MECHANICAL ROOM

PARCEL 154-1,
SECTION M223(2)

LANE



City of Hamilton

Key Map

352-356 Hunter Street East /
122 Emerald Street South

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM-CONV-95-005
	Date	Drawn By
	APRIL 1995	R.L.

C (e)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 11
(CDM-CONV-95-002)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Proposed Draft Plan of Condominium by Bruno Megna (In Trust) -
93 Emerald Street South, Stinson Neighbourhood

RECOMMENDATIONS:

a) That approval be granted to application CDM-CONV-95-002 submitted by Bruno Megna (In Trust), owner, for a draft plan of condominium for property located at No. 93 Emerald Street South to provide for a condominium comprised of a 5 storey apartment building containing 20 individual apartment condominium units, subject to the following conditions:

i) That this approval applies to the attached draft plan dated March 23, 1995 prepared by B.J. Clarke, O.L.S.;

ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;

iii) That prior to approval of the final plan,

aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593;

iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-007);

v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan.

c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

Bruno Megna (In Trust), Hamilton, Ontario

Surveyor -

B.A. Jacobs, O.L.S., Hamilton, Ontario

Location -

The lands known municipally as 93 Emerald Street South, comprising 0.0975 ha. is located on the east side of Emerald Street South, Stinson Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert an existing rental apartment building containing 20 units on 5 floors to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Existing Development" within the "Urban Policies Area". The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

City of Hamilton Zoning By-law - The lands are zoned "DE-2" - Multiple Dwellings.

Neighbourhood Plan - The lands are designated "Low Density Apartments" according to the Stinson Neighbourhood Plan. The proposal complies.

Rental Housing Protection Act - Application CDM-CONV-95-002 was approved by Council on September 22, 1995 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

The following agencies had no comments or objection toward the proposal:

Building Department
Traffic Department
Ontario Hydro
Hamilton Hydro
Union Gas
Bell Canada

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

"INFORMATION:

1. Municipal combined storm and sanitary sewers are available on Emerald Street East to service this site.

2. The proposed condominium conversion development can be serviced for water from the existing watermains on Emerald Street South.

3. The Transportation division of our department have advised, since this development is not adjacent to a Regional road they have no comment.

4. The H.S.R. have stated that they have no comment.

5. There will be no Regional share for this development.

RECOMMENDATIONS:

Our department has no recommendations regarding the development of this site."

COMMENTS:

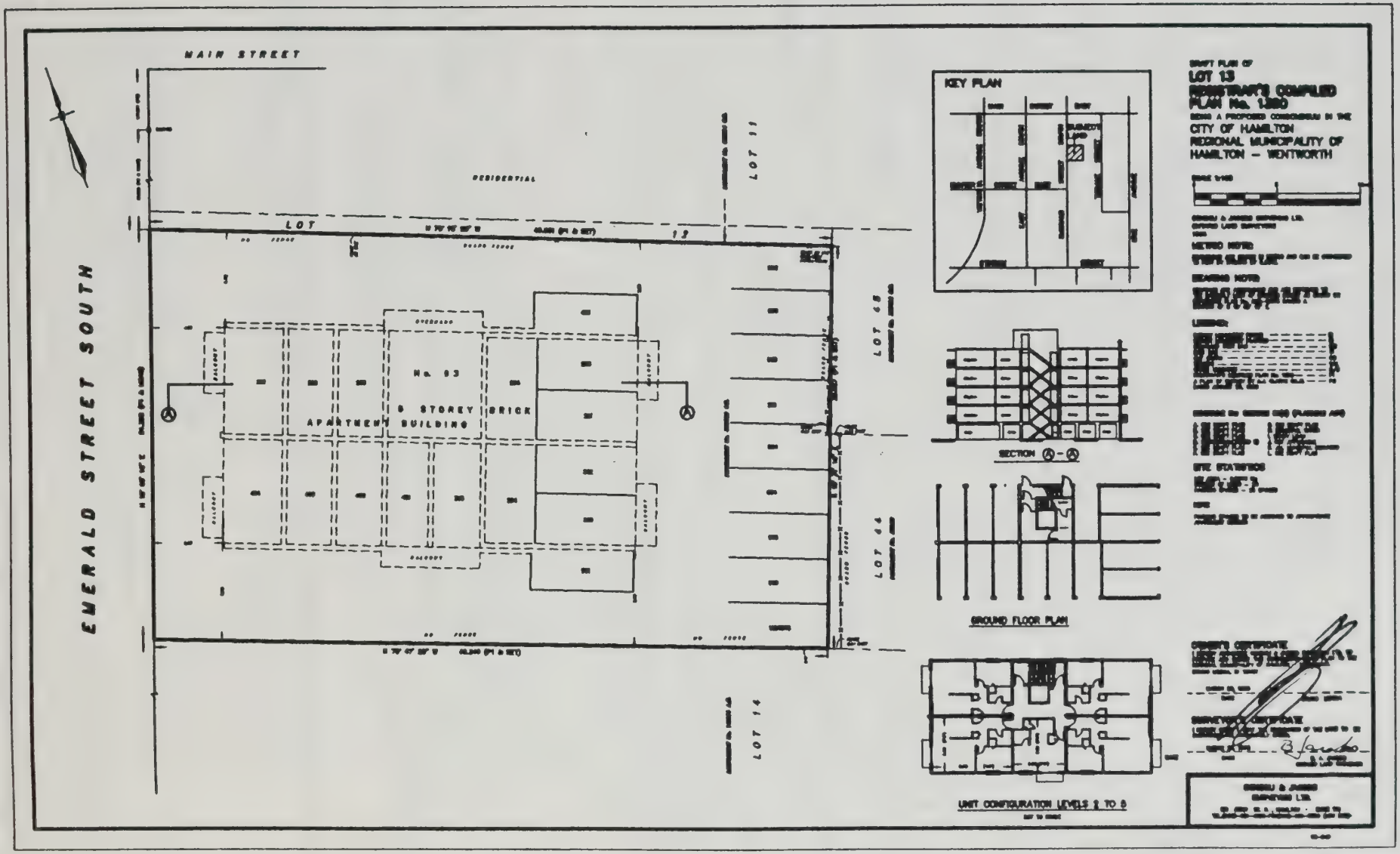
The applicant wishes to convert 20 existing rental apartment units to 20 condominium apartment units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property.

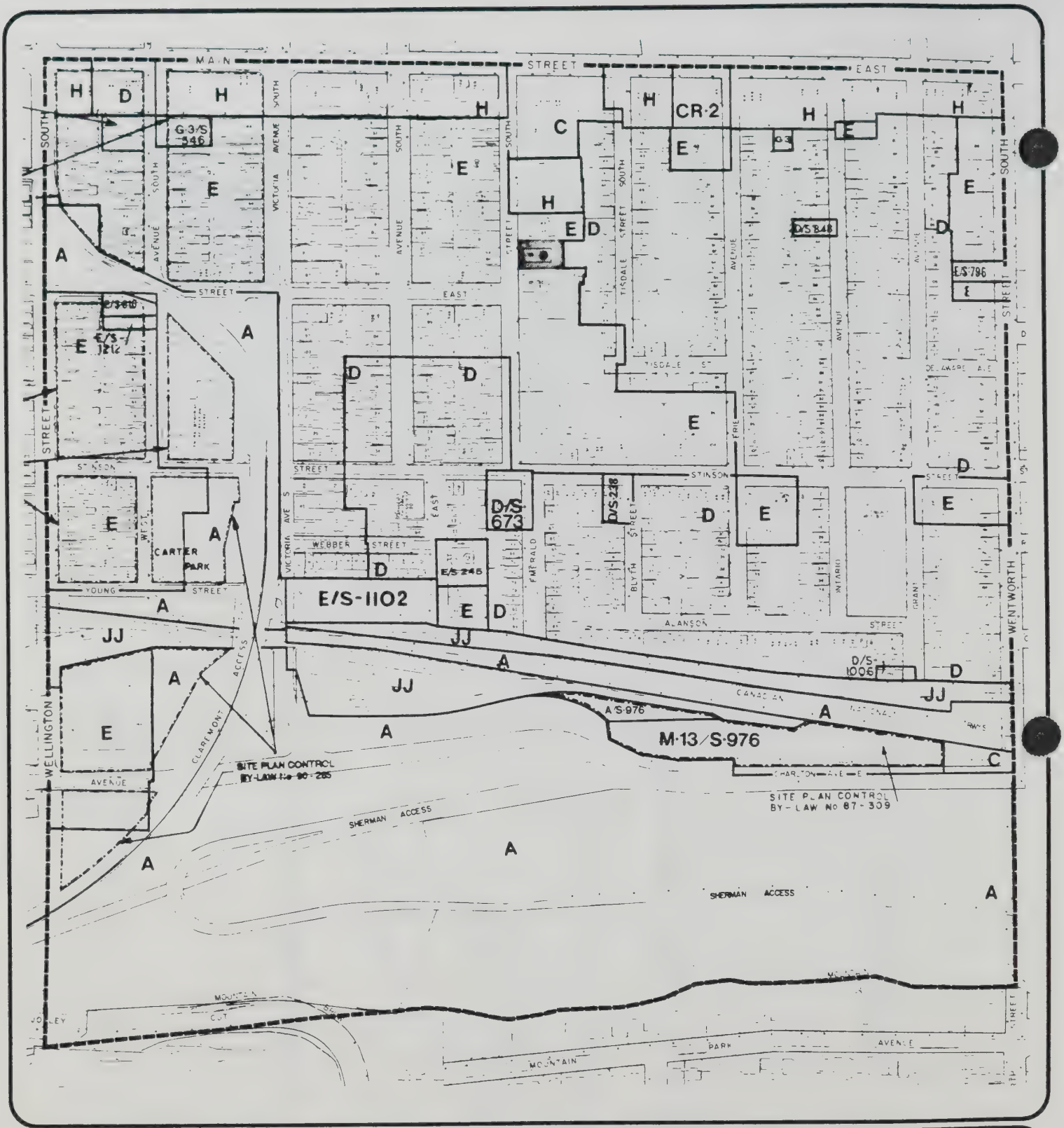
On May 30, 1995, Council approved application CDM-CONV-95-002 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have provide proof that the Certificate of Approval has been acquired.

CONCLUSION:

On the basis of the foregoing, the draft plan of condominium can be supported, subject to the conditions noted above.

MLT/DP


MAIN STREET
EMERALD STREET SOUTH
RESIDENTIAL
LOT 13
LOT 11
LOT 45
LOT 44
LOT 14
No. 93
5 STOREY BRICK
APARTMENT BUILDING
KEY PLAN
SECTION A - A
GROUND FLOOR PLAN
UNIT CONFIGURATION LEVELS 2 TO 5
DRAFT PLAN OF
LOT 13
REGISTRAR'S COMPILED
PLAN No. 1380
BEING A PROPOSED CONDOMINIUM IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON – WENTWORTH
METRIC NOTE
BEARING NOTE
LEGEND
SITE STATISTICS
OWNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE



City of Hamilton

Key Map

93 Emerald Street South

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM-CONV-95-002
	Date	Drawn By
	APRIL 1995	R.L.

D (a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Heritage Permit - Removal of Aviary Cages at Dundurn Castle

RECOMMENDATION:

That a Heritage Permit be approved to remove the existing aviary cages formerly attached to Dundurn Castle.

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Any alterations or additions to a building designated under Part IV of the Ontario Heritage Act require Council approval through the Heritage Permit process.

BACKGROUND:

The Aviary is not part of the original 19th century landscaping of MacNab's estate but was erected after the turn of the century when the Castle and its grounds were opened to the public as a Museum and park.

The Dundurn Castle Landscape Restoration Feasibility Study completed by Landplan Collaborative Ltd. in 1987 recommended that the Aviary be removed.

The Local Architectural Conservation Advisory Committee at its meeting held 1996 June 10 recommended approval of a Heritage Permit to remove the Aviary cages.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Marilynn Havelka, Culture and Recreation Department

D (b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Heritage Permit - Renovations of Dundurn Castle Stable Building

RECOMMENDATION:

a) That Section 5 of the NINTH Report of the Planning and Development Committee for 1996 as adopted by City Council on 1996 May 28 respecting a Heritage Permit for the Dundurn Castle Stable Building be rescinded in its entirety; and,

b) That a Heritage Permit be approved for the revised proposal for the ventilation and kitchen exhaust required for the conversion of the Dundurn Castle Stable Building to a Conference Centre as shown on the drawings attached hereto and marked as Appendix "A".

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Any alterations to the designated (under Part IV of the Ontario Heritage Act) features and facades of the Stable Building require Council approval through the Heritage Permit process.

BACKGROUND:

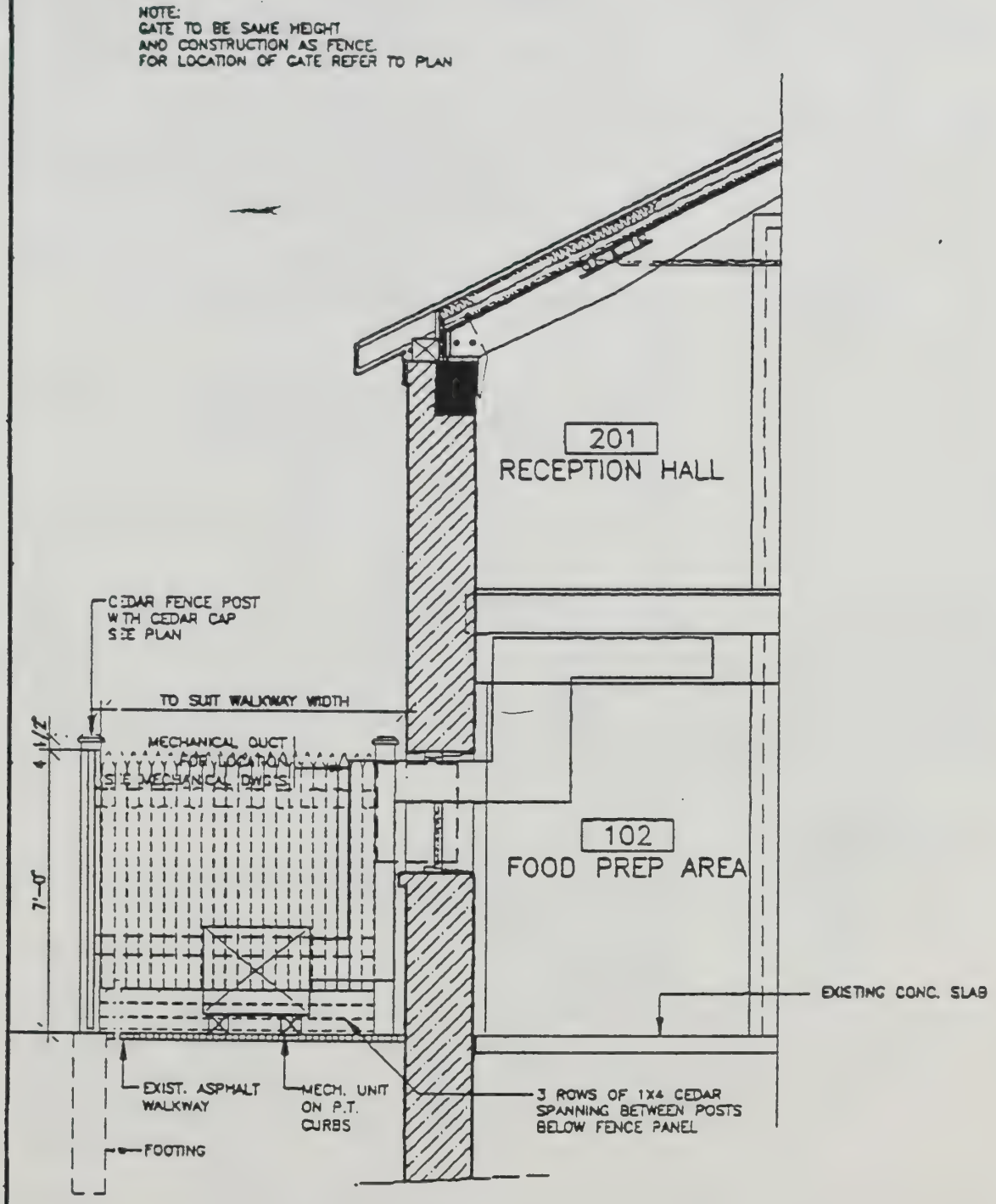
City Council at its meeting held 1996 May 28 approved a Heritage Permit for the renovations to the designated Stable Building at Dundurn Castle.

An updated proposal for the ventilation and kitchen exhaust for the Stable Building has since been prepared to allow for the ducting to be directed out of an existing window opening, a less intrusive option to the existing heritage structure.

A fence will be erected around the mechanical system for safety reasons and to camouflage the unit from the road. The duct will also be painted to match the fence.

attached

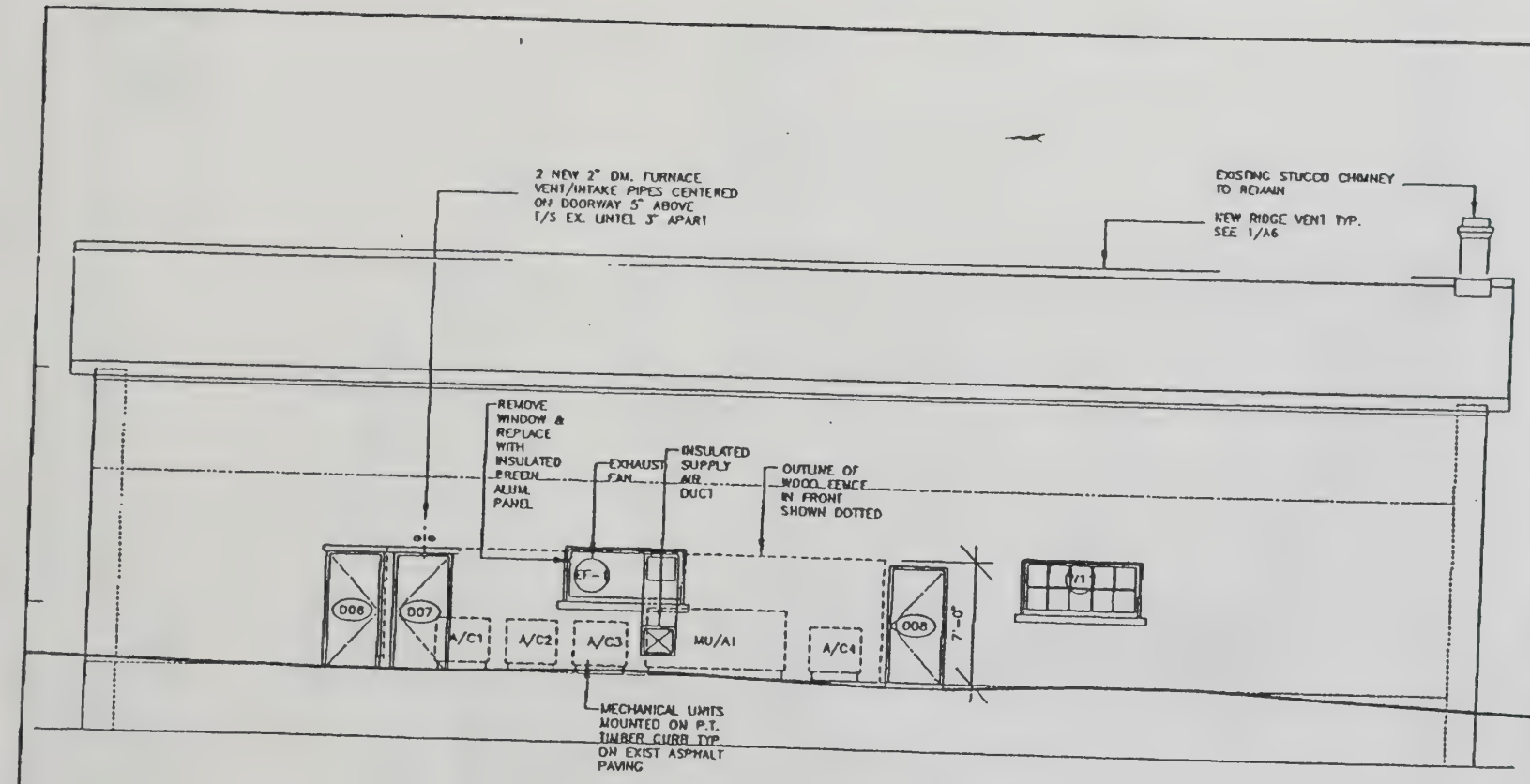
cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Marilynn Havelka, Culture and Recreation Department



1 SECTION AT DUCT SHAFT
1/4"=1'-0"

1	10/30/96	RE-DRAWN TO LASER
NO.	DATE	DESCRIPTION

123 GEORGE STREET 6 RD FLOOR TORONTO, ONTARIO, M5A 2N4 Telephone (416) 968-7994 Facsimile (416) 968-8401	TAYLOR | HAZELL ARCHITECTS LTD.		A12A
	PROJECT TITLE: DUNDURN CASTLE CONFERENCE CENTRE	DRAWN: MH / DATE: 04/02/96	
		CHECKED: CH / PRINTED: 02/03/96	
	DRAWING TITLE: SECTION AT DUCT SHAFT	SCALE: 1/4"=1'-0" / PLOT: 8.12/SHEAS	PROJECT NUMBER: 9606



3
A9

SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

REVISION / ISSUES

TAYLOR | HAZELL ARCHITECTS LTD.

DUNDURN CASTLE
CONFERENCE CENTRE

HAMILTON, ONTARIO

SOUTH ELEVATION
PART OF DWG. A7

9608

A10A

JUN 11 '96 17:27 416 862 8401 PAGE.02

D (c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: MacNab/Charles Heritage Conservation District - Streetscaping Improvements

RECOMMENDATION:

That the Planning and Development Committee be advised of the Local Architectural Conservation Advisory Committee's strong support for the proposed MacNab South pedestrian underpass improvements as detailed on the drawings attached hereto and marked as Appendix "A" as well as the other public improvements (buried wires, historic streetlights and street and sidewalk reconstruction) scheduled this summer for the MacNab/Charles Heritage Conservation District (MacNab Street South, Hurst Place, Charles Street and Bold Street).

C Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The MacNab South pedestrian tunnel was constructed in the early 1930's when the T. H. & B. Railway eliminated the level crossings in the downtown. The tunnel provided a pedestrian link, replacing the through route of MacNab Street South. As a direct connection between a large residential area and the downtown, the tunnel is a heavily used pedestrian route.

In 1990, the MacNab/Charles Heritage Conservation District Plan was approved by City Council. This Plan called for the rebuilding of the underpass to address the issues of pedestrian safety and comfort, and recommended a parkette be planned at the south entrance.

In 1992, the MacNab South pedestrian underpass was identified as one of the 38 sites requiring improvement by The Women's Safety Audit Project as prepared by Pal-Tech Engineering Inc. From 1992-1994, three reports were subsequently forwarded to the Finance and Administration Committee containing recommendations for actions. Many of these remedial actions have taken place, but the MacNab underpass is still an outstanding issue. The Audit identified such issues as poor lighting, lack of signage and maintenance.

Also in 1992, a report on the MacNab South underpass by Lynda Morris for the Durand Neighbourhood Plan identified signage, sightlines, lighting and blind corners as issues to be addressed.

In 1995, the approved Reconstruction Program for roads and sidewalks included in the reconstruction of MacNab South between Bold Street and Hurst Place, and, Hurst Place and Charles Street. On 1995, August 8, City Council authorized the burying of overhead wires and the installation of period street lights at a cost of $100,000. Road reconstruction was deferred to 1996.

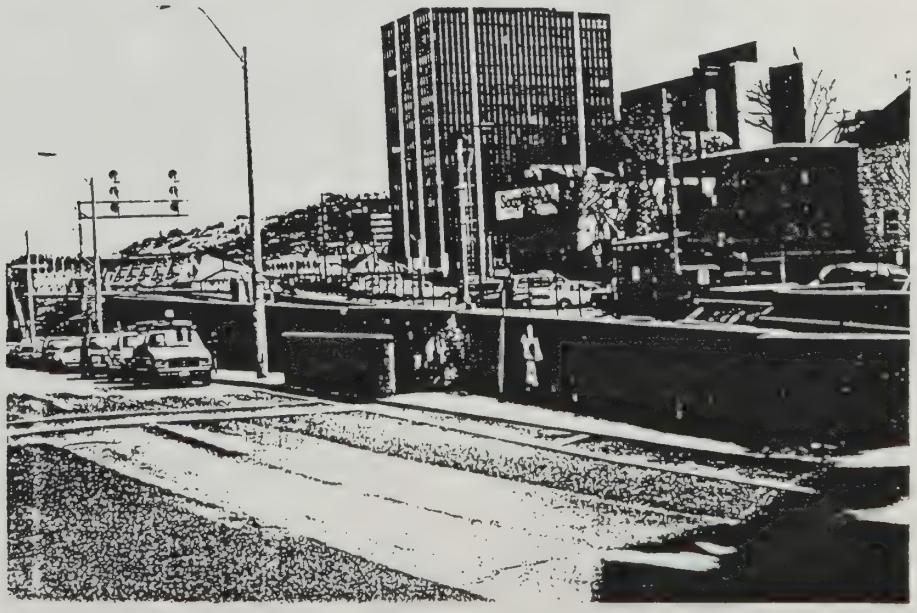
On 1996 April 30, City Council approved the proposed streetscape improvements of concrete crosswalks at MacNab/Bold, Charles/Bold, and MacNab/Hurst intersections, and widened concrete landings on the north and south side of the MacNab Street pedestrian underpass, including landscaping and irrigation systems at a cost of $30,000.

cc Victor Abraham, Director, Planning and Development Department
Ted Gill, Senior Director, Roads Department
Nina Chapple, Planning and Development Department
Joan MacDonald, Chairperson, Hamilton Status of Women Sub-Committee
Reg Meiers, Department of Public Works and Traffic

MACNAB ST SOUTH UNDER PASS



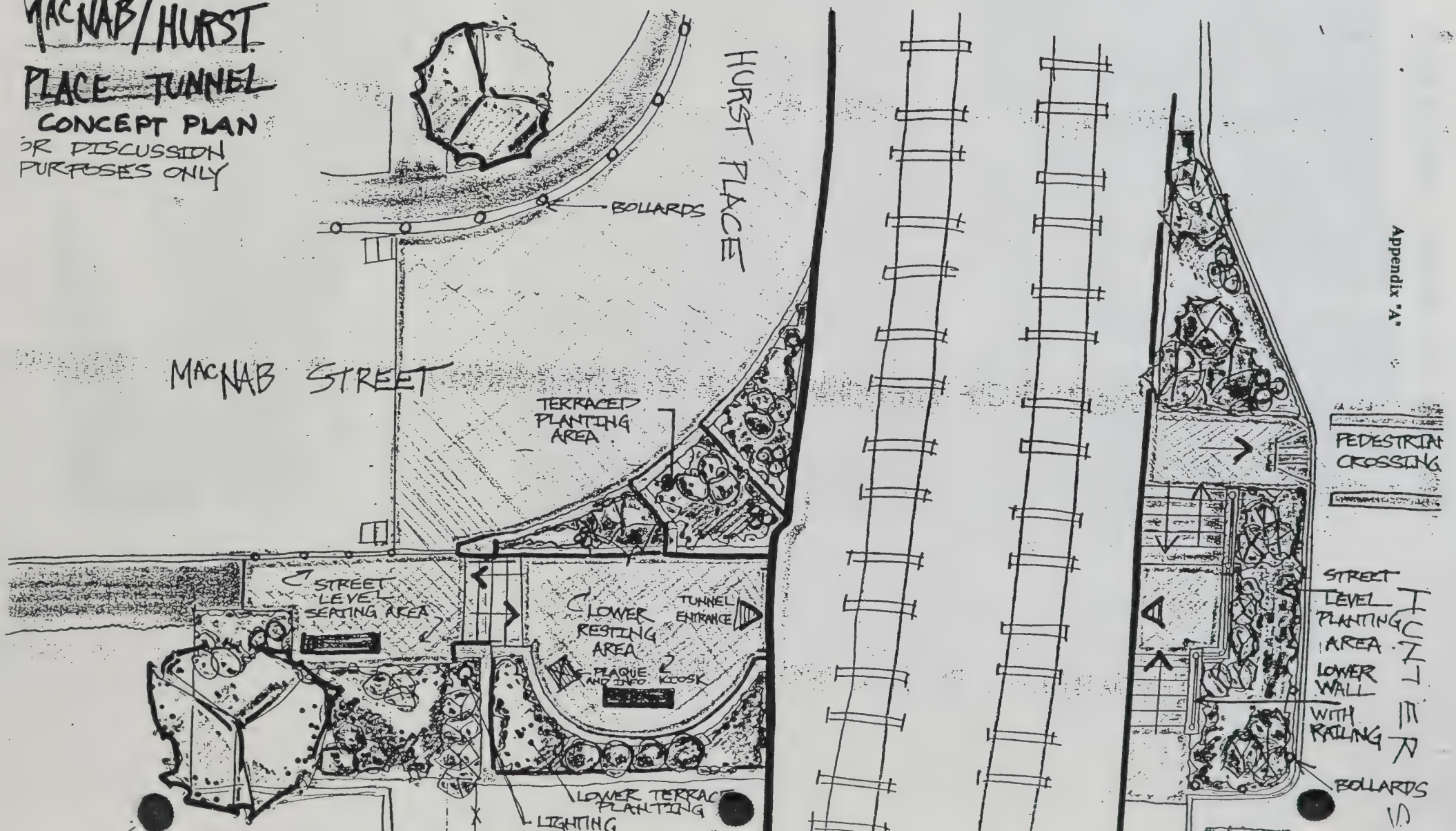




MACNAB/HURST PLACE TUNNEL

CONCEPT PLAN

FOR DISCUSSION PURPOSES ONLY



ITEM 10

D (d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Heritage Community Recognition Program - Nomination of Rob Brough

RECOMMENDATION:

That the City nominate Rob Brough for the Ontario Heritage Foundation's Heritage Community Recognition Program which honours individuals who are making lasting and significant contributions to heritage conservation.

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1996 June 10 nominated Rob Brough for this Award. Rob Brough is a long time member of the Local Architectural Conservation Advisory Committee and past Chairperson of the Committee's Research Sub-Committee. A local Architect, he is committed to the preservation of Hamilton's historically and/or architecturally significant buildings.

The Heritage Community Recognition Program is offered annually by the Ontario Heritage Foundation for contributions and commitments in heritage conservation in the areas of built, natural or cultural heritage. Every municipality, or its designate, can make one nomination each year.

Nominations can be made for activities which are considered to be particularly outstanding or innovative, or which have demonstrated long-term commitment to heritage preservation, protection and promotion. The deadline for nominations is 1996 June 30.

cc Nina Chapple, Planning and Development Department

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. G. Pavelka
Chief Administrative Officer

D. W. Vyce
Director of Property

SUBJECT: Settlement of Expropriation - 386 Birch Avenue,
Freddie Pilgrim and Edith Ilse Pilgrim

RECOMMENDATION:

(a) That an Agreement by Owner to Accept Compensation, executed by Freddie Pilgrim and Edith Ilse Pilgrim on 1996 May 14 and to be completed on or before 1996 July 5, for the lands expropriated on 1992 November 19, having a frontage of 8.53 metres (27.98 feet), more or less, on the east side of Birch Avenue, comprising an area of 191.5 square metres (2,061 square feet), more or less, more particularly described as Part 1 on Expropriation Plan No. 138710, municipally known as 386 Birch Avenue, be approved and completed, and the final compensation of $8,760 be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,

(b) That an Agreement by Owner to Accept Compensation, executed by Carrier Canada Limited on 1996 March 27 and to be completed on or before 1996 July 5, for the lands expropriated on 1992 November 19, having a frontage of 8.53 metres (27.98 feet), more or less, on the east side of Birch Avenue, comprising an area of 191.5 square metres (2,061 square feet), more or less, more particularly described as Part 1 on Expropriation Plan No. 138710, municipally known as 386 Birch Avenue, be approved and completed, and the final compensation of $2,180 be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,

(c) That a Release Agreement, executed by Revenue Canada, execution creditor, on 1996 May 23, for the lands expropriated on 1992 November 19, having a frontage of 8.53 metres (27.98 feet), more or less, on the east side of Birch Avenue, comprising an area of 191.5 square metres (2,061 square feet), more or less, more particularly described as Part 1 on Expropriation Plan No. 138710, municipally known as 386 Birch Avenue, be accepted, and the final compensation of $604 be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,

(d) That an Agreement for the release of title interest, executed by the Public Trustee of Ontario, on 1996 May 15, for the lands expropriated on 1992 November 19, having a frontage of 8.53 metres (27.98 feet), more or less, on the east side of Birch Avenue, comprising an area of 191.5 square metres (2,061 square feet), more or less, more particularly described as Part 1 on Expropriation Plan No. 138710, municipally known as 386 Birch Avenue, be approved and completed, and the acquisition cost of $5,000 be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,

(e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available within Account No. CF 5590 308750001 (Alpha Enclave Clearance Program).

BACKGROUND:

On 1994 March 29, City Council adopted Item 5 of the 5th Report of the Planning and Development Committee approving the serving of Offers of Compensation in accordance with Section 25 of the Expropriations Act RSO 1990 to Freddie Pilgrim, Edith Isle Pilgrim, Carrier Canada Limited and Revenue Canada in association with the expropriation of the subject property which was required in conjunction with the City's Residential Enclave Clearance Program. Subsequently, Freddie Pilgrim, Edith Ilse Pilgrim and Carrier Canada Limited have executed the City's Agreements by Owner to Accept Compensation as both are on title as registered owners. Revenue Canada, an outstanding execution creditor has agreed to execute a Release Agreement releasing the City from any further compensation claims in respect of the herein expropriation.

Also approved under Item 5 noted above was the settlement of the title interest in the subject property of the Public Trustee of Ontario as a result of dissolution of F. Pilgrim & Co. Ltd., registered owner of this property. Presently, the Public Trustee is obtaining the necessary Order in Council to transfer title of the property at 386 Birch Avenue to the City. Compensation to all parties is in accordance with the above noted Council resolution and the Expropriation Act.

The finalization of this expropriation will complete the acquisition of all properties in the Alpha West Enclave Clearance Program.

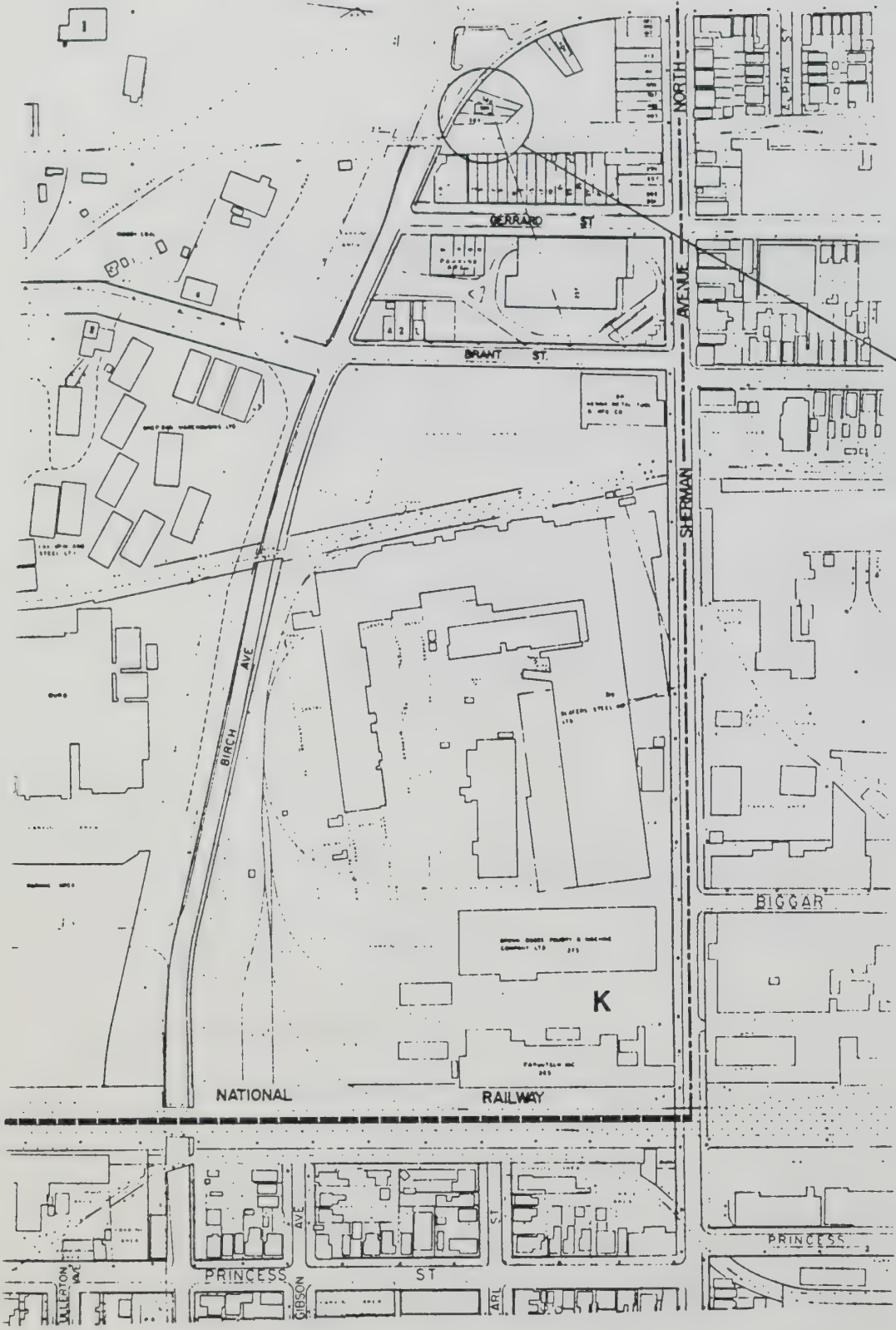
KN/klk

c.c. P. Noé Johnson, City Solicitor
Attention: J. Lessing

Allan C. Ross, Treasurer

V.J. Abraham, M.C.I.P., Director, Local Planning Division

C. Bandurka, Property Clerk, Surveys, Roads Department



Note: This is not a Legal Document. For zoning verification please contact the City Building Department.

Neighbourhood Boundary

Zoning Boundary

Site Plan Control Boundary

Latest Map Amendment

INDUSTRIAL SECTOR "B" AND KEITH

EXISTING ZONING

81

69 70 71

95 48 126

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

Neighbourhood Boundary

F.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 12

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Director of Planning/Chief Administrative Officer dated 1996 June 10 respecting Approved Site Plan Control Applications

(b) City Solicitor dated 1996 May 23 respecting 412 Charlton Avenue West

(c) Minutes of Local Architectural Conservation Advisory Committee Meeting held 1996 May 13

(d) Building Commissioner dated 1996 June 5 respecting Loan Cancellation - 353 Barton Street East

(e) Building Commissioner dated 1996 June 3 respecting Residential Rehabilitation Assistance Program - Increased Allocation for 1996

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1996

Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

JUN 24 1996

GOVERNMENT DOCUMENTS

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, 1996 June 25
7:00 o'clock p.m.
Room 233, City Hall

Charlene Touzel, Acting Secretary
Planning and Development Committee

AGENDA

1. **CITY SOLICITOR**

   571 Kenilworth Avenue North

2. **ADJOURNMENT**

CITY OF HAMILTON

- INFORMATION -

DATE: 1996 June 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: 571 Kenilworth Avenue North

BACKGROUND:

At the Planning and Development Committee, staff were requested to report back to a special meeting of the Committee prior to Council on June 25, 1996 with the options for the City to address the problems discussed at 571 Kenilworth Avenue North.

DISCUSSION:

The owner of 571 Kenilworth Avenue North has contacted to City with respect to a variety of problems, some are sewer backups which can be addressed by Regional Engineering. It's estimated that the cost to alleviate the sewer problems is in the area of $2,000. Copies of reports from the Province on environmental concerns due to the proximity and activity of industry on this property have been forwarded to our attention. The taxes have been paid in full and are current.

The residence at 571 Kenilworth Avenue North is the last building in the block, abutting directing on a strip of land fenced off from Burlington Street and appears to be owned by Union Gas. There are approximately 8 other residences located in the immediate vicinity, in this active industrial area. It is opposite Harbour Front Recycling and just under the overpass on Burlington Street. (see attached maps) After making a drive by of this location, on Thursday June 20th, there is only one residence which appears to be boarded up and abandoned. The houses on Stapleton front onto a parking lot owned and occupied by Dofasco. Within the same block radius, there are several businesses interspersed with the 7 or 8 houses.

The Director of Planning has reported that a study of residential buildings located in industrial zones was undertaken in 1968. In 1977 this particular enclave was reaffirmed as a first priority for purchase. The City stopped actively acquiring the property in this particular location because industry was buying properties on the open market.

The Region has the authority to acquire land for industrial purposes but responds that there is neither funding nor direction for other than greenfield acquisition. (see attached report from Economic Development).

The Planning Act s. 34(8) allows the City to acquire land that is not in conformity with current zoning bylaws. This provides the City with a vehicle to bring

neighbourhoods into harmony and compatibility. This authority was exercised by Bylaw with the requisite public input. The earlier land assembly bylaw remains in effect and only the capital program was halted by Council and that is purely a financial issue within the competence of Council. The Capital Reserve for Alpha Area Rehabilitation (initially funded by the sale of land to Dofasco) still exists with a remaining balance of approximately $222,914.00. In order to access this reserve for Stapleton enclave, Council must add the Stapleton area.

The Municipal Act s. 191 allows the City to acquire land for municipal purposes. Land for parks, public squares, and avenues may be acquired pursuant to s.207(52).

The results of a cursory review of the costs associated with acquiring and clearing lots in this immediate area by the Property Department include an initial range of $60,000 (plus or minus) per house for fair market value subject to site specific inspection and market survey and a further $10,000 for demolition and clearance costs per site. There are potentially 7 or 8 sites in this location. If acquisition is predicated upon willing seller willing buyer and expropriation costs are not factored in this is the current estimate.

If upon review by Committee of the reports appended and the request of the owner, Committee and Council wish to assist this family immediately, the following motions would be in order:

(a) That the City assist the residents of 571 Kenilworth Avenue North to secure alternate accommodations, either through Municipal Non Profit Housing or the Property Department, that leases municipally owned residences.

(b) Based on compassionate grounds, condition of the building and location, and on the understanding that the owner wishes to relocate, staff be requested to commence negotiations with the owner Mr. A.R. Kay to acquire the property at fair market value in accordance with the enclave program.

(c) Given the current concerns for this particular location, that staff be requested to report back to the Committee on the Stapleton Residential Enclave program.

(d) That the Finance and Administration Committee be requested to identify a source of funding for the purchase of 571 Kenilworth Avenue North, in the event that negotiations are successful; and further that subject to the approval of reactivating the Stapleton Residential Enclave project, that this be considered in the 1997 Capital Budget and Forecast consideration.

RECEIVED
JUN 6 1996
LAW DEPARTMENT

ECONOMIC DEVELOPMENT DEPARTMENT

MEMORANDUM

****

TO: Robert M. Morrow
Mayor
Mayor's Office

Councillor Geraldine Copps
Alderman Ward 4
Aldermen's Office

YOUR FILE:

FROM: Mr. N. Catalano
Director of Economic Development
Economic Development

OUR FILE:
PHONE: 546-4234

SUBJECT: **571 Kenilworth Avenue North**

DATE: 1996 June 5

Further to Mr. Kay's letter which was provided to this office by Mr. Joe Schatz, Clerk, City of Hamilton we are sympathetic to Mr. Kay's concern but unfortunately are not in a position to acquire the aforementioned property.

The Region does have an industrial land development policy but this is primarily geared towards greenfield establishments. The acquisition of residential enclaves in the industrial sector of the City is not a component of this policy. Additionally, the industrial land portfolio is in a deficit position and Council has directed the Economic Development Department to engage the services of commercial realtors in an effort to mitigate this liability and liquidate the industrial portfolio in a timely fashion.

It is regrettable that Mr. Kay has encountered these difficulties but unfortunately we do not have the authority or the financial means to assist.

Should you require any further information, please do not hesitate to give me a call.

NMC/sdb

cc: Michael Fenn, CAO, Region of Hamilton-Wentworth
Joe Pavelka, CAO, City of Hamilton
Dan Vyce, Director, Property Department
Victor Abraham, Director, Planning and Development
Patrice Noe Johnson, City Solicitor

OFFICE OF THE CITY CLERK
FEB 13 1996
REC. BY BC/3:30pm DATE
REF'D. TO ..... DATE .....
REF'D. TO ..... DATE .....
REF'D. TO ..... DATE .....
ACTION: _____

Mr. Andrew R. Kay
571 Kenilworth Ave N.
Hamilton, Ontario
L8H 4T8
Telephone No. 544-8472

February 12, 1996

City of Hamilton
City Clerk's Department
71 Main Street West, 2nd Floor
Hamilton, Ontario
L8N 3T4

Attention: Mr. Schatz, City Clerk

Dear Mr. Schatz

The current era in which we live has become associated with economic hardships and governmental cutbacks. Unfortunately, these somewhat modern occurrences have an all to ancient result; that result being hardship. Even though precarious economic circumstances make things difficult for citizens and government alike, challenging times do not provide a liberty for neglect of duties.

Despite having to support myself and my family within the modest means provided by my pension, I have always, without fail, and under all circumstances paid my municipal taxes both in full and on time. Therefore, I have always, and under all circumstances fulfilled my duty (duty being a concept which because of my years of service in the Her Majesties Canadian Navy, I am well aware of) to the City of Hamilton.

The City of Hamilton, on the other hand, has not at all times and in good faith done the duty it owes me and my family. That duty being to provide us with the safety and comfort that all tax paying citizens are lawfully and morally entitled to.

Having lived in this city for all of my 75 years, I have for the majority of my life been more than satisfied with the benefits provided by this city. However, the area in which the city has failed to provide the service it owes me, is one of utmost importance and clearly within the sphere of duties, which the City is supposed to provide for all tax paying citizens.

I am writing this letter in order to make you aware of my circumstances with respect to the City's failing to provide the required level of sewer services. It is my hope that together we can help the City redress this obviously unintentional, but none the less serious, situation.

.../2

We have lived in our home for the past 40 years, during the first 28 years no sewer back up occurred. In the past 12 years the sewers have backed up into our home a total of 4 times. It is quite apparent that the City has not been providing the same level of service and as a result of the numerous floods I can not afford to purchase insurance on my home. I have been informed by the insurance company that my sewer back up coverage is cancelled, and my premiums have now increased by 400% without the previous coverage.

Attached are correspondence with the City, Region and the Ministry of Environments phytotoxicology report dealing with toxic air born chemical from the surrounding industries.

At 75 years of age I cannot endure the physical hardships of another flood, I suffered a heart attack during the last incident which occurred in October 1995. My wife cannot handle the stress and worries. I request that the City of Hamilton allow us to move to another property owned by the city which is equal in value to our existing property. Along with the sewer back up the Ministry of the Environment has reported that our soil is a health hazard. We cannot cut the lawn or grow anything edible in the garden. We can no longer live in this area, as we are concerned with our health and are becoming quite anxious.

On behalf of my wife, I would implore you to please meet with your legal council to assist in my predicament. Your anticipated support and cooperation in trying to resolve my difficulty is appreciated.

Yours truly,

Mr. Andrew Richard Kay

Andrew R Kay

OCCURRENCE: Basement Flooding **DATE:** October 5, 1995

LOCATION: 571 Kenilworth Avenue North, Hamilton Ontario

OWNERS NAME: Andrew R. Kay **PHONE:** (905) 544-8472

Basement flooding occurred during a severe rain storm (Hurricane Opal). Ground winds of close to 100 kmh with approximately 96 mm of rain fall. The storm sewer located in front of the residence backed-up in to the basement. Approximately 20 inches (500mm) of water entered the basement via the floor drains. This type of flooding has occurred at least 3 other occasions. The City of Hamilton has not made any effort to ensure that this will not occur again. In fact it is almost guaranteed to happen again.

Although this storm system was severe, the other occurrences where relatively normal storm conditions. So the fact that this latest rainfall was quite unique really has no bearing on the flooding. This severe storm only added to the quantity of water entering the premise.

Once the flooding was found the home owner immediately closed all natural gas valves to his appliances in the basement are. Even after this precaution was taken, the Hamilton Fire Department was called to the above residence because of the smell of "gas". The fire department responded and was unable to get a reading of a flammable gas on their detector. After the fire department left the residence the smell remained.

The smell was eventually traced to the sewer water entering the house. The home owner was able to collect a sample of this water in a mason jar. A portable pump was rented at approximately 0200 hours and the water was removed by 0600 hours. The mop up began Friday Oct. 6/95 and continued until Saturday October 7 1995 when assistance was given by B. Hargin Associates. All clothing from the basement area was removed from the premise and taken to Britannia Cleaners located at 17 Kings St East Stoney Creek. Citadel Insurance was contacted on Friday October 6, 1995 and returned the home owners call at 1300 hours Saturday October 7, 1995. The Insurance adjustor, Mr. Paul Tiller made an appointment for Tuesday October 10, 1995 at 1030 hours, to meet with the home owners.

The home owners also contacted their City Alderman Ward 4, Mr.Dave Wilson at approximately 1400 hours via the telephone. He was unavailable and a message was left. A second call was put in at 2130 hours with the same results.

To date the home owner, Andrew R. Kay has put in over 60 hours of time cleaning on his own. Mr. Kay felt obligated to begin this work because of the substantial delay experienced by the Insurance company to assist. If the home owner had not initiated the clean-up even more damage and extreme unbearable living conditions would have been experienced. The timely fashion of the clean up is surely beneficial to all involved. Mr. Wilson has agreed to meet with A. Kay Wed. Oct. 11/95 at the Kenilworth Avenue location. Mr Wilson has agreed to take a water sample for analysis and to bring with him a representative of the City to evaluate the situation. Mr Wilson has agreed that something must be done to prevent this from occurring again. Mr Wilson was informed that maybe the municipal taxes relating to City services will be withheld in order for the home owners to build a contingency fund to pay cover the initial cost incurred for future flood occurrences. Mr. Wilson has agreed to meet with Jim Kay during the week of October 16 1995 to discuss the results of the water analysis and preventative measures that will be taken to lesson the probability of future flooding.

SEQUENCE OF EVENTS

Oct.5/95	2345 hours	Noticed flooding in basement
Oct.5/95	2350 hours	Notified son James at home
Oct.6/95	0001 hours	Jim and Andrew turn off gas valves
Oct.6/95	0100 hours	Move low items to higher ground
Oct.6/95	0100 hours	Water level approaching second stair
Oct.6/95	0130 hours	Notify Hamilton Fire Department
Oct.6/95	0200 hours	Picked up pump - Barton rentals
Oct.6/95	0220 Hours	Began pumping out water
Oct.6/95	0220 Hours	Water level to third stair
Oct.6/95	0600 hours	Water pump turned off
Oct.6/95	0900 hours	Insurance broker called again
OCT.6/95	1200 hours	Union Gas repaired water heater
Oct.6/95	1400 hours	Furnace repaired
Oct.6/95	1830 hours	Hargin Restoration notified
Oct.6/95		Clean-up continued by A. Kay
Oct.6/95	2200 hours	Clean-up stopped for the day
Oct.7/95	0900 hours	Hargin crew begins water removal
Oct.7/95	1100 hours	Hargin crew leaves premise
Oct.7/95	1130 hours	Clean up continues by A. Kay
Oct.7/95	1300 hours	All clothing taken to cleaners
Oct.7/95	1300 hours	P. Tiller, Adjuster telephone (Initial)
Oct.7/95	1400 hours	Dave Wilson Ward 4 Alderman telephoned
Oct.7/95	1630 hours	Clean up concluded for the day
Oct.7/95	1930 hours	Dave Wilson called 2 nd. time N/A again
Oct.8/95	1150 hours	Dave Wilson returned call to J.Kay
		Set up appointment for oct10.95 at 10:30
Oct.11/95	1030 hours	Dave Wilson no show
Oct.14/95		Called Dave Wilson - No reply
Dec. 9/95	(App.20 calls	Still no call from Dave Wilson

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ont. L8N 3T4

Refer to File No. P-5-2-69
Attention of
Your File No.

DEAR OWNER:

RE: HOUSING ACQUISITION

THE CITY FEELS THAT THE ALPHA, LEEDS, BIGGAR, AND STAPLETON AREAS SHOULD BE USED FOR INDUSTRIAL PURPOSES IN THE LONG RUN.

A NUMBER OF OWNERS IN THE AREAS HAVE ASKED THE CITY TO PURCHASE THEIR PROPERTIES. A HOUSING ACQUISITION PROGRAM WAS STARTED.

THE CITY HAS ALLOCATED MONEY IN THEIR BUDGET FOR THIS AREA. (SEE MAP) THE CITY HOPES TO BUY A SMALL NUMBER OF HOUSES, DEMOLISH THEM AND SELL THE LAND FOR INDUSTRIAL PURPOSES.

THE CITY WILL CHOOSE WHICH HOUSES TO ACQUIRE BASED ON THE WILLINGNESS OF THE OWNER TO SELL AND TENANTS TO MOVE.

PLEASE NOTE THAT NOT ALL PROPERTIES IN THE AREAS WILL BE BOUGHT.

PLEASE RETURN THE COMPLETED FORM IN THE ENVELOPE PROVIDED.

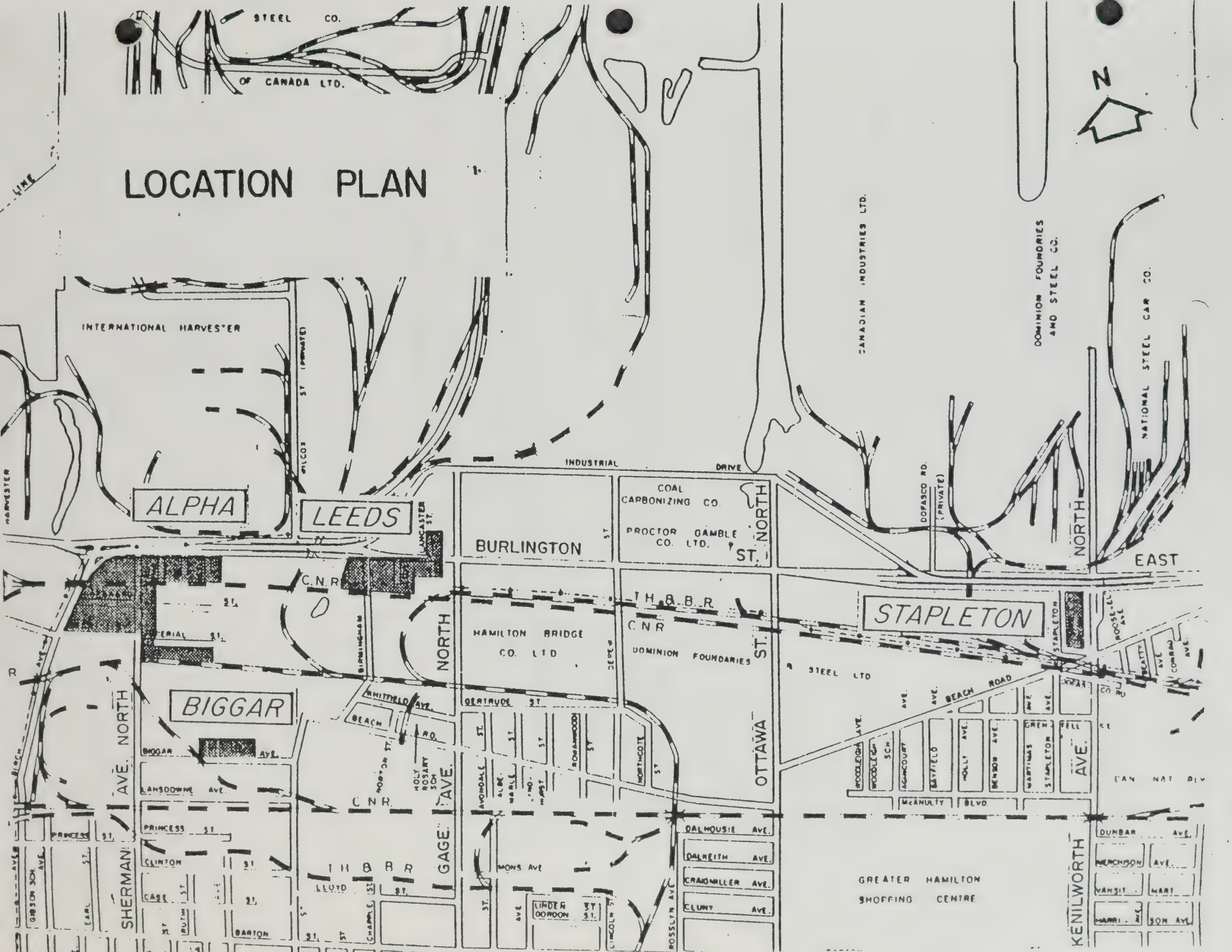
IT IS VERY IMPORTANT TO REPLY SO THAT THE RIGHT DECISIONS CAN BE MADE.

IF YOU HAVE ANY QUESTIONS PLEASE CALL DAVID GODLEY AT 526-4229 OR RAY LEE AT 526-4160.

YOURS TRULY,

V.J. ABRAHAM, M.C.I.P.
DIRECTOR OF LOCAL PLANNING.

VJA:DG:JD
ENCL.


LOCATION PLAN
STEEL CO.
OF CANADA LTD.
N
INTERNATIONAL HARVESTER
CANADIAN INDUSTRIES LTD.
DOMINION FOUNDRIES AND STEEL CO.
NATIONAL STEEL CAR CO.
INDUSTRIAL DRIVE
ALPHA
LEEDS
BURLINGTON
COAL CARBONIZING CO.
PROCTOR GAMBLE CO. LTD.
DOFASCO RD. (PRIVATE)
NORTH ST.
EAST
C.N.R.
T.H.&B.R.
HAMILTON BRIDGE CO. LTD
DOMINION FOUNDARIES
STAPLETON
STEEL LTD
BIGGAR
BEACH RD.
BEACH ROAD
OTTAWA ST.
SHERMAN AVE. NORTH
GAGE AVE.
KENILWORTH AVE.
DALMOUSIE AVE.
DALREITH AVE.
CRAIGMILLER AVE.
CLUNY AVE.
MONS AVE
UNDER OGDOON ST.
McANULTY BLVD
CAN NAT RY
GREATER HAMILTON SHOPPING CENTRE
DUNBAR AVE.
PRINCESS ST.
CLINTON ST.
CASE ST.
BARTON ST.
LLOYD ST.
LANSDOWNE AVE.

PLANNING DEPARTMENT FILE # P5-2-69

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL.

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

1987

APRIL 21, 1987

DEAR OWNER/TENANT:

WE WOULD LIKE YOU TO GIVE YOUR VIEWPOINT ON THE CITY OF HAMILTON'S PROPOSAL TO PURCHASE HOUSES NORTH OF THE CN TRACKS TO THE EAST OF BIRCH AVENUE AND WEST OF KENILWORTH AVENUE.

PLEASE COULD YOU FILL OUT THE ATTACHED QUESTIONNAIRE AND RETURN IT IN THE ENCLOSED STAMPED ADDRESSED ENVELOPE BY MAY 12, 1987.

ADDITIONAL INFORMATION CAN BE OBTAINED FROM EITHER DAVID GODLEY (526-4229) OR JENNIFER HARKNESS (526-4280).

YOURS TRULY,

V. J. ABRAHAM, M.C.I.P.
DIRECTOR OF LOCAL PLANNING

VJA/DG/jmd

Ministry of the Environment
Ontario

Ministère de l'Environnement

SOIL

135 St. Clair Avenue West
Suite 100
Toronto, Ontario
M4V 1P5

135, avenue St. Clair ouest
Bureau 100
Toronto (Ontario)
M4V 1P5

Air Resources Branch
Phytotoxicology Section
880 Bay St., Suite 347
Toronto, Ontario
M5S 1Z8
Tel.: 1-416-456-2504

ARB No. ARB-064-92-Phyto
Author George N. Vasiloff

Phytotoxicology Complaint Investigation on the Kay Property, 571 Kenilworth Avenue North, Hamilton - 1991

Background

At the request of the Ministry's Hamilton office, West-Central Region, the Phytotoxicology Section conducted a surveillance of soils on 13 September 1991 in the vicinity of Welco Precision Weights, 563 Kenilworth Ave. N, Hamilton. The primary purpose of the survey was to determine if operations at Welco generate emissions of lead and other heavy metals to the environment. Because of the close proximity of the Kay property to the Welco plant, the Phytotoxicology investigator contacted the Kay family for permission to obtain soil samples. When advised of the purpose of the survey, the Kays lodged a complaint citing smoke, odour and health problems associated with emissions from the Welco plant.

Mr. & Mrs. Kay have lived at their current location for about 35 years. Their property, however, is located in the midst of heavy industrial activity. The Dofasco steel-making plant is located immediately to the north and east of their property. Approximately 20 metres south of the Kay property, is Welco Precision Weights. This firm manufactures lead weights used to balance tires. As part of the manufacturing process, lead is apparently melted in a large pot and transferred to a number of machines in which weights of different sizes are produced. Figure 1 shows the location of the Kay property in relation to Welco and the Dofasco steel plant.

Until about January of 1991, the pot used to melt lead at Welco was positioned under a tall exterior stack in order to exhaust the smoke associated with the melting process. After

that date, the pot was moved to an area near the north side of the Welco building where a wall-mounted exhaust fan removed the smoke. The Kays reported that the smoke which emanates from the wall fan is black in colour and has a very strong odour. They claimed that the odour is particularly obnoxious. Although the smoke is emitted mainly during the day, it has occurred at night as well. On at least one occasion, security officials at Dofasco called the Fire Department when they observed the huge volume of black smoke coming from Welco, mistakenly believing that the Welco building was on fire.

Mrs. Kay complained that the lining in her nose has been causing her discomfort for the last few of years and she suspects that the black, odoriferous smoke from the Welco operation is to blame. Because of Mrs. Kay's health-related problem, the Phytotoxicology investigator advised Lynn Kergan at the Ministry's Hamilton office of the situation and requested that she contact the Medical Officer of Health.

According to the Kays, Ministry of the Environment officials from the Hamilton office have been on the scene because of emissions from the Welco operation. The Kays have complained to the officials about the smoke and smell, but they believe the emissions have continued unabated.

Phytotoxicology Investigation

A sketch of the Kay property in relation to Welco and the next door residence occupied by the Robillard family, is provided in Figure 2. Although the sketch is not to scale, the property line on the south side of the Kay property is approximately 20 metres from the wall exhaust fan on the north side of the Welco building.

Triplicate samples of soil were collected from the Kay backyard lawn area shown in the figure. Control soil was obtained from a residential backyard lawn at 146 Adeline Street. All samples were collected in accordance to the methodology outlined in the Phytotoxicology Field Investigation Procedures Manual. During the collection process, new rubber latex gloves were worn by the investigator at each site to avoid contamination of the samples. At both the Kay and control properties, each of the triplicate lawn samples contained over 30 individual soil cores. Collected samples were delivered to the Phytotoxicology laboratory to be processed in preparation for chemical analysis. The processed soil samples were submitted to the Minisitry's Inorganic Trace Contaminants laboratory for lead, zinc, cadmium, nickel, copper, molybdenum, vanadium, chromium, cobalt, manganese, strontium, sodium, aluminum and iron analysis. Tests to determine soil pH and electrical conductivity were also requested.

Chemical Analysis Results

Concentrations of lead and the other elements detected in the 0-5 cm Kay lawn soil are shown in Table 1. Also shown are the concentrations detected in the 0-5 cm control soil. Included in the table are the Phytotoxicology Upper Limit of Normal (ULN) guidelines for 0-5 cm urban soil. The rationale behind the derivation of the ULN guidelines is provided in Appendix I. Data in the table that exceed ULN guidelines have been underlined.

Average concentrations of lead, zinc, copper, chromium and manganese detected in the

Kay soil exceeded Phytotoxicology ULN guidelines. The concentrations of all 14 elements were higher from the Kay property than the control soil, although vanadium and cobalt were only marginally elevated.

Electrical Conductivity and pH of Soil

Electrical conductivity and pH tests were conducted on the soil samples collected from the Kay backyard and control location. Electrical conductivity (EC) measures the concentration of soluble salts in the soil. The higher the soluble salt concentration, the higher the EC. Elevated concentrations of soluble salts can adversely affect or kill established plants by interfering with the mechanism of water uptake from the soil. Tests for pH indicate the acidity or alkalinity of soils. The pH scale is from 0 to 14. Values below 7 are considered acidic while those above 7 are alkaline.

Electrical conductivity and pH test results are summarized in Table 2. Although the EC of the Kay soil was higher (contained more soluble salts) than the control soil, it was within a range considered to be acceptable. With respect to pH, the Kay soil was more acidic than the control soil, but within a range considered acceptable. Based on these limited results, it cannot be determined if the lower pH and higher EC values of the Kay soil are a result of emissions from Welco.

Foliage of flowers, shrubs and trees on the Kay property were examined for evidence of injury due to air pollutants, but none was observed. Similarly, no evidence of particulates related to industrial emissions was observed on foliage.

An information sheet (Appendix II), prepared with input from the Ministries of the Environment and Health, the Toronto Board of Health, and the Toronto Medical Officer of Health, is attached to this report. The sheet provides information regarding lead contamination in soil.

Summary

A triplicate sample of 0-5 cm lawn soil was collected from the backyard of the Kay property for chemical analysis. Results indicated that concentrations of lead, zinc, copper, chromium and manganese in the Kay soil exceeded Phytotoxicology Upper Limit of Normal guidelines for urban soil. Compared to the control soil, concentrations of cadmium, nickel, molybdenum, strontium, sodium, aluminum and iron in the Kay soil were marginally elevated.

Based on the information provided by Mr. & Mrs. Kay and the chemical analysis results, it was concluded that emissions from Welco are responsible for the excessive and elevated metal concentrations found in the Kay soil.

TABLE: 1 Concentrations[1] of 14 Inorganic Elements Detected in 0-5 cm Soil Collected on the Kay Property, 571 Kenilworth Ave., Hamilton - 1991

Element	Kay Property Backyard Lawn Area	Control Area Backyard Lawn Area	Phytotoxicology Upper Limit of Normal Guideline for 0-5 cm Urban Soil
Lead	553	25	500
Zinc	560	69	500
Cadmium	4	<1	4
Nickel	36	13	60
Copper	102	22	100
Molybdenum	2	<0.02	3
Vanadium	44	29	70
Chromium	71	18	50
Cobalt	7	6	25
Manganese	1733	523	700
Strontium	73	19	NE
Sodium	280	82	NE
Aluminum[2]	1.5%	1.1%	NE
Iron[2]	3.3%	1.8%	3.5%

[1]Average of triplicate analysis results - parts per million (ppm) - dry weight.

[2]Concentrations in percent (%) - dry weight.

NE - ULN guideline has not been established for this element.

TEST RESULTS

Table: 2 pH and Electrical Conductivity Values of Soil Collected on the Kay Property, 571 Kenilworth Ave., Hamilton - 1991

Sample Location	pH	Electrical Conductivity
Kay Property Backyard Lawn Area	6.42	0.33
Control Property Backyard Lawn Area	6.70	0.26

Electrical Conductivity is millisiemens/cm.

Data are average of triplicate test results.

INTERPRETATION OF ELECTRICAL CONDUCTIVITY VALUES

Conductivity Reading	Rating	Plant Response
0 - 0.25	L	Suitable for most plants.
0.26 - 0.45	M	Suitable for most plants.
0.46 - 0.70	H	May reduce emergence and cause slight to severe damage to salt sensitive plants.
0.71 - 1.00	E	May prevent emergence and cause slight to severe damage to most plants.
1.00	E	Expected to cause severe damage to most plants.

FIGURE 1 Location of Kay Property in Relation to Welco, Precision Weights and Dofasco Plants, Hamilton.

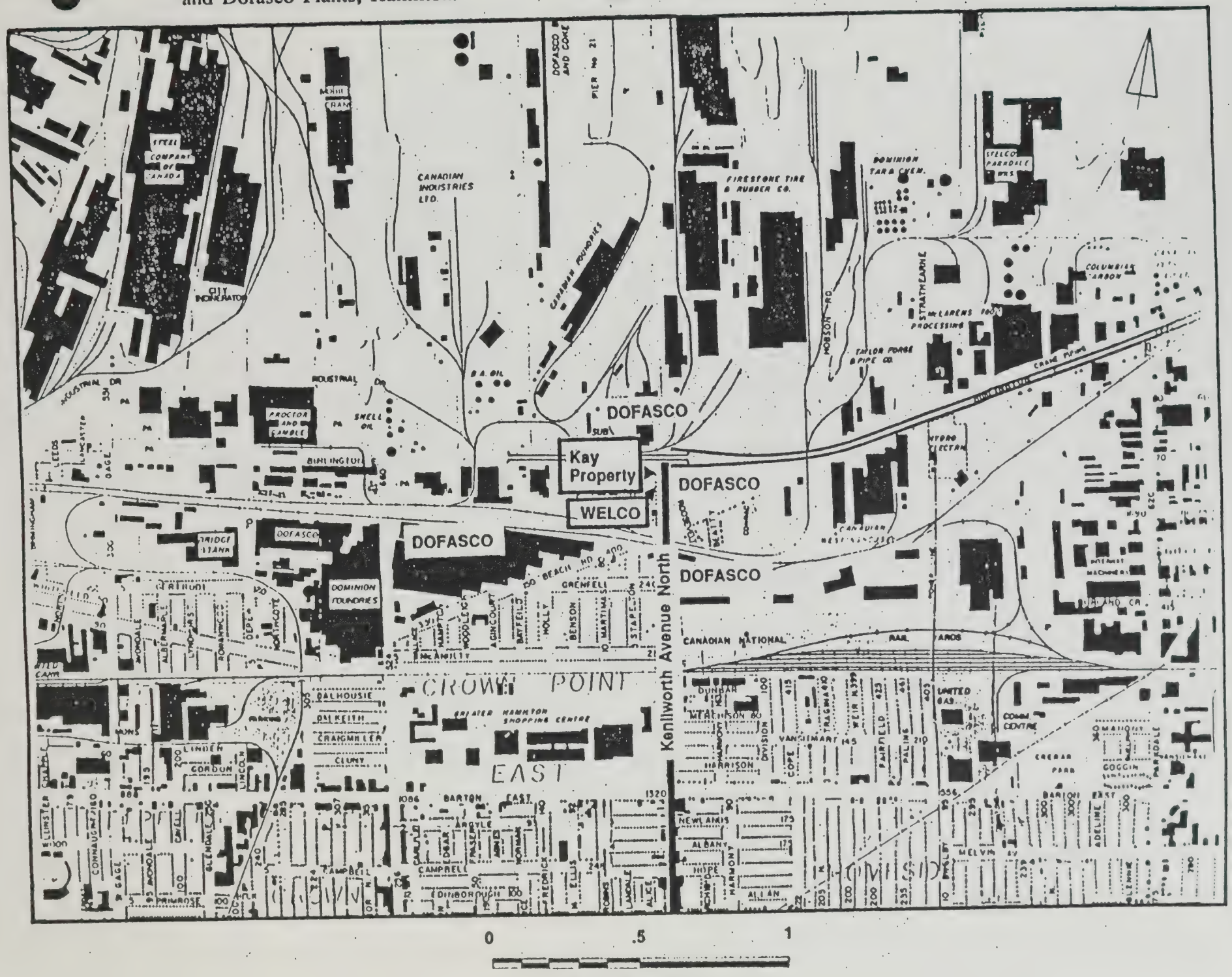
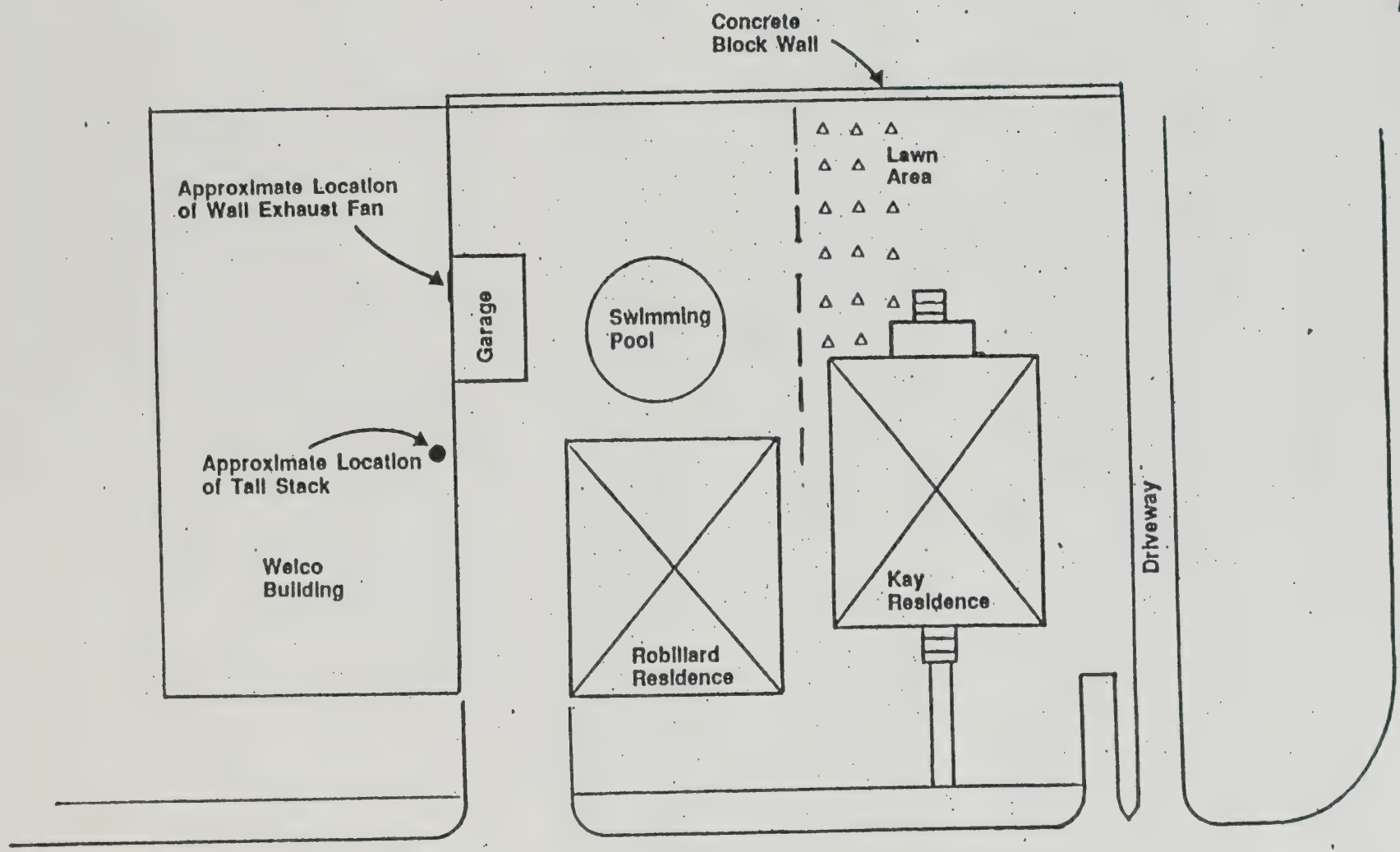


FIGURE: 2 Sketch Showing Location of Kay Property in Relation to Welco Precision Weights, Hamilton.



Sketch Not To Scale

APPENDIX I

Derivation and Significance of MOE "Upper Limits of Normal" Contaminant Guidelines

The MOE "upper limits of normal" contaminant guidelines essentially represent the expected maximum concentration of contaminants in surface soil (non-agricultural), foliage (tree and shrub), grass, moss bags and/or snow from areas of Ontario not subject to the influence of point source emissions. "Urban" guidelines are based upon samples collected from centres of minimum 10,000 population. "Rural" guidelines are based upon samples collected by MOE personnel using standard sampling techniques (ref: Ministry of the Environment, 1983. Field Investigation Manual. Phytotoxicology Section - Air Resources Branch: Technical Support Sections - NE and NW Regions). Chemical analyses were performed by the MOE Laboratory Services Branch.

The guidelines were calculated by taking the arithmetic mean of available analytical data and adding three standard deviations of the mean. For those distributions that are "normal", 99% of all contaminant levels in samples from "background" locations (i.e. not affected by point sources nor agricultural activities) will lie below these upper limits of normal. For those distributions that are non-normsl, the calculated upper limits of normal will not actually equal the 99th percentile, but nevertheless they lie within the observed upper range of MOE results for Ontario samples.

It is stressed that these guidelines do not represent maximum desirable or allowable levels of contaminants. Rather, they serve as levels which, if exceeded, would prompt further investigation on a case by case basis to determine the significance, if any, of the above normal concentration(s). Concentrations which exceed the guidelines are not necessarily toxic to plants, animals or man. Concentrations which are below the guidelines are not known to be toxic.

APPENDIX II

Soil Lead Information

Lead is not necessary for normal body function (iron is an example of an essential dietary nutrient). Recent studies have suggested that there may be some risk at very low levels of exposure. Lead in the environment can come from many sources, such as industrial emissions, vehicle exhaust, and peeling or flaking paint. Therefore, people are exposed daily to small amounts of lead. Young children and the developing fetus are the most sensitive to the toxic effects of lead. Environmental lead concentrations are usually much higher in urban areas. Soil contaminated with lead also may be contaminated with other elements, such as zinc, cadmium, arsenic, and antimony. This information sheet deals only with lead.

The experimental data developed by the Phytotoxicology Section of the Air Resources Branch, and the scientific literature, suggest that some vegetables will take up lead from the soil. Generally, the amount of accumulated lead is greatest in roots (eg. beet, carrot, onion, potato, radish), lower in stems and leaves (eg. celery, chard, lettuce, cabbage), and lowest in fruit (eg. tomatoes, berries, apples, bean, cucumber). The amount of lead that accumulates in the vegetables depends on the kind of vegetables grown, the soil characteristics, the garden management practices, and the soil lead concentration. The lead concentration in vegetables increases with plant age. It is generally accepted that there is minimal risk in consuming vegetables grown in soil with a lead concentration below 500 parts per million (ppm). The following table is a guide for planting and eating vegetables in soil with varying lead concentrations.

Guide for Planting and Consuming Vegetables

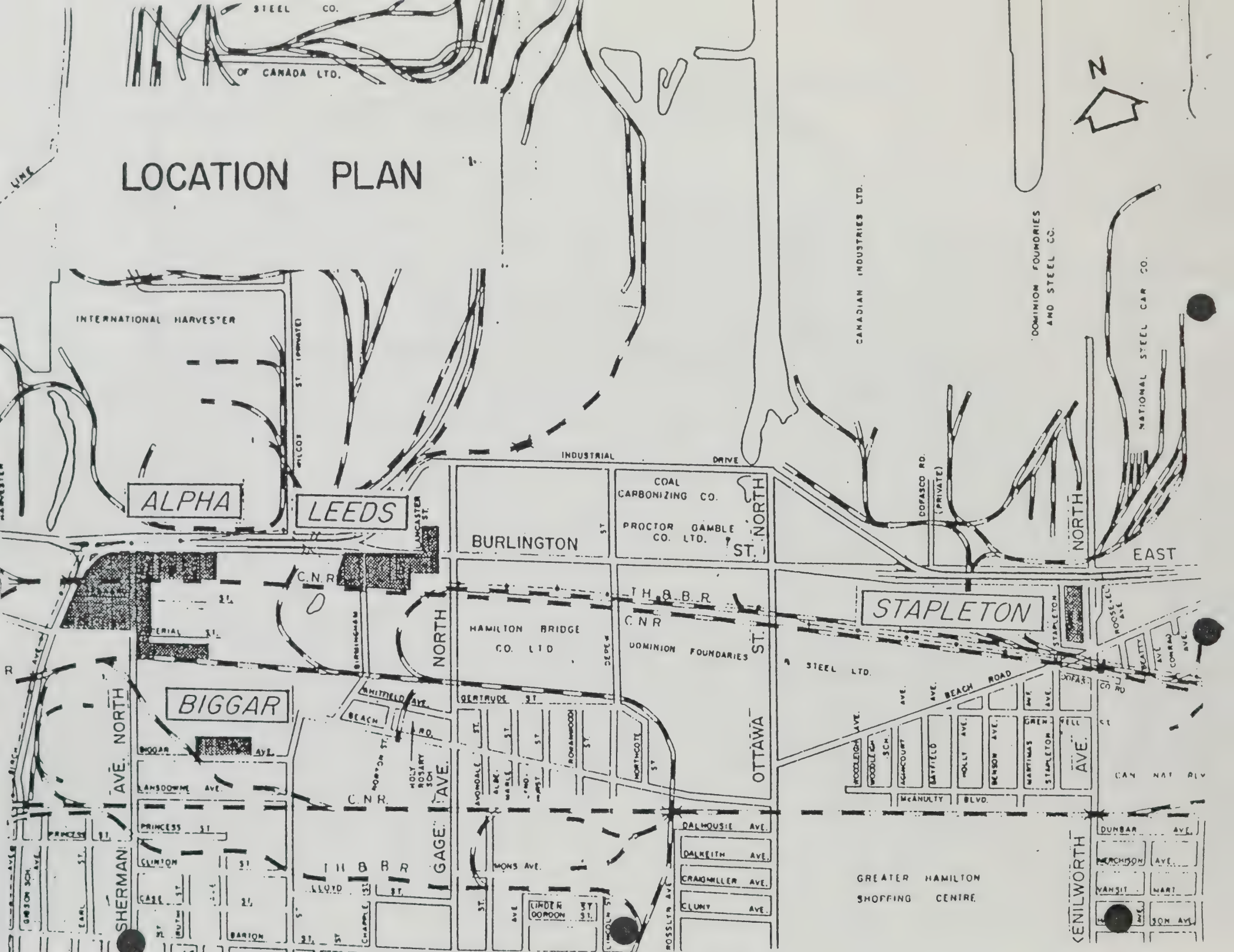
Soil Lead Concentration Parts Per Million	Root	Leaf[1]	Fruit
1 - 500	M	M	M
501 - 1000	R	M	M
1001 - 1500	A	R	R
greater than 1500	A	A	A

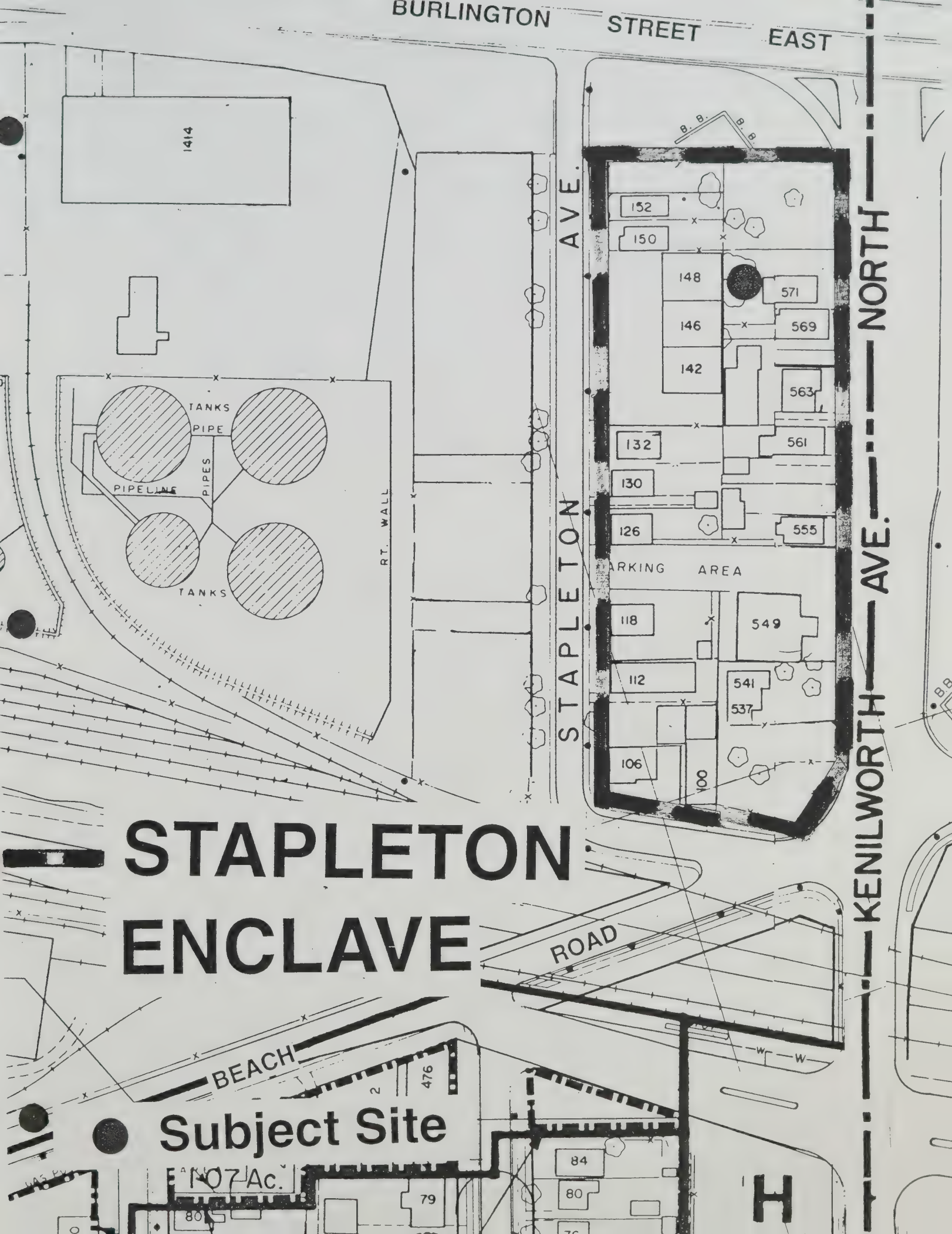
M - minimal risk (wash thoroughly)
R - reduced consumption (wash thoroughly)
A - avoid consumption/avoid planting
[1] - lettuce may accumulate lead more readily than other leafy produce

To minimize soil and vegetable lead contamination always locate vegetable gardens away from roadways, driveways, downspouts and sources of flaking or peeling paint. All vegetables should be thoroughly washed before consumption. The above table is only a guide; consuming vegetables grown in lead contaminated soil increases the exposure to environmental lead and is at the home owner's risk.

Children will ingest soil while playing. Recent medical evidence has determined that children under six years old will develop elevated blood lead levels by playing in soil with lead concentrations of 1,000 ppm and higher. Because the child's blood lead level is related to their total environmental lead exposure, the relationship between soil lead and blood lead is not precise. Therefore, where other potential lead sources exist, there may be some risk to children exposed to soil with lead concentrations below 1,000 ppm. Elevated blood lead levels in children inhibits enzyme activity in red blood cells, impairs vitamin D synthesis in the kidney, and impairs normal neurobehavioral development. More serious effects can occur at higher environmental lead exposure.

To minimize lead exposure to young children, access to lead contaminated soil should be restricted and the child's hands should be thoroughly washed after playing outdoors. Lead exposure from soil can be substantially reduced by removing the contaminated soil (three to six inches is usually sufficient), covering it with clean soil and sod, or covering it entirely with a solid material such as pavement, paving stone or wood. The home owner should contact a local Environment Ministry official for advice regarding the disposal of soil with high lead concentrations. Concerns about personal lead exposure should be discussed with a doctor.


LOCATION PLAN
N
STEEL CO.
OF CANADA LTD.
INTERNATIONAL HARVESTER
ALPHA
LEEDS
BURLINGTON
BIGGAR
STAPLETON
INDUSTRIAL DRIVE
COAL CARBONIZING CO.
PROCTOR GAMBLE CO. LTD.
HAMILTON BRIDGE CO. LTD
DOMINION FOUNDARIES
STEEL LTD.
CANADIAN INDUSTRIES LTD.
DOMINION FOUNDRIES AND STEEL CO.
NATIONAL STEEL CAR CO.
COPASCO RD. (PRIVATE)
NORTH EAST
NORTH ST.
OTTAWA ST.
GAGE AVE.
SHERMAN AVE. NORTH
KENILWORTH AVE.
BEACH ROAD
McANULTY BLVD.
C.N.R.
T.H.&B.R.
CAN NAT RLY
GREATER HAMILTON SHOPPING CENTRE
DALMOUSIE AVE.
DALKEITH AVE.
CRAIGMILLER AVE.
CLUNY AVE.
DUNBAR AVE.
MERCHISON AVE.
WANSIT AVE.
MARI AVE.
SON AVE.
BEACH RD.
PRINCESS ST.
CLINTON ST.
CASE ST.
BARTON ST.
LAMBOURNE AVE.
BIGGAR AVE.
MAITLAND AVE.
GERTRUDE ST.
MONS AVE.
UNDERPASS ST.
LLOYD ST.
HOLY ROSARY SCH
NORTON ST.
BIRMINGHAM
LANCASTER ST.
WILCOX ST.
ROSSLYN AVE.
ROMAINCOURT
NORTHCOTE
WOODWARD AVE.
AGINCOURT
MOLLY AVE.
BENSON AVE.
HAMPTON AVE.
STAPLETON AVE.
ROSSLEIGH AVE.
BEATTY AVE.
COMBRAY AVE.
CO RD


BURLINGTON STREET EAST
1414
TANKS
PIPE
PIPES
PIPELINE
TANKS
RT. WALL
STAPLETON AVE.
KENILWORTH AVE. NORTH
152
150
148
146
142
132
130
126
118
112
106
100
571
569
563
561
555
549
541
537
PARKING AREA
STAPLETON ENCLAVE
ROAD
BEACH
Subject Site
1.07 Ac.
476
84
80
79

URBAN/MUNICIPAL
CA4 ON HBL AOS
C51P4
1996

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 July 3
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

JUL 2 1996

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. City Initiative 96-E, Overbuilding Study - Westdale North Neighbourhood (Monster Homes)

   a) Joy James, Presentation of Petition and Request to Speak

2. Regulation of Mobile Signs

   Submissions:
   a) Henry Muggah, 120 Chedoke Avenue, Hamilton
   b) Alex Hemstreet, President, Tamlann Investments Ltd., 75 Lancing Drive, Unit H, Hamilton
   c) James E. Managhan, 601, 75 Wendover Drive, Hamilton
   d) Fred Strungnell, 125 Mount Pleasant Drive, Hamilton
   e) James McLean, Proprietor, Westdale Optical Boutique, 1050 King Street West, Hamilton
   f) John Schouten, Owner, Eyemark Signs, 940 5th Concession West RR#2, Waterdown
   g) Doug Hughes, President, Magnestsigns Ontario South
   h) Don McPhail, Ad-Vantage Signs, 5100 South Service Road, Unit 27, Burlington
   i) Marty Gillot, President, Total Life Fitness, 1205 Rymal Road E., Hamilton
   j) Simon Ive, Owner, 1888-Rent-Signs

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 July 3

3. REFERRAL BACK FROM COUNCIL

Delegations : Roof Leaders- Land Drainage Bylaw

a) Tony Horvat, Regional Conservation Authority
b) Addi Irani, Hamilton Home Builders Association
c) Eugene Chajka, Regional Environment Department

4. CONSENT AGENDA

5. PRIVATE AND CONFIDENTIAL AGENDA

6. OTHER BUSINESS

7. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff and Applicant to determine acceptable option	Tabled
3.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Ave.
4.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculated if application is modified
5.	Roof Leader Bylaw	1995 July 5	Roads and Building Departments	Referred back from Council
6.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
7.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave	1995 August 23		Tabled at the request of the applicant
8.	Monster Homes a)Public Meeting for Westdale Neighbourhoods b)Study Applicability to other Neighbourhoods in the City and potential policy changes throughout the City	1996 May 8	Staff to schedule public meeting and conduct study for other neighbourhoods	Pending
9.	Demolition - 33 Clifford Street	1996 May 8	Tabled	Pending submission of building plans
10.	Downtown Redevelopment	1996 May 22	Referred to staff for report	Planning and Building Department staff to prepare report
11.	Zoning Requirements for Gambling Locations	1996 May 22	Referred to staff for report	Planning and Building Department staff to prepare report
12.	Demolition- 150 Ivon Avenue	1996 June 19	Tabled	Tabled
13.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to come back to Cttee by 1996 Nov 1

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 27
CI-96-E

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Overbuilding Study - Westdale North Neighbourhood ("Monster Homes")

RECOMMENDATION:

1. That approval be given to City Initiative 96-E for a modification to Zoning By-law No. 6593 for the Westdale North Neighbourhood, as shown on the attached map marked as APPENDIX "A", to regulate the size and bulk of dwellings in the "C" (Urban Protected Residential, etc.) District, "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, and "H" (Community Shopping and Commercial, etc.) District on the following basis:

   (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

      (i) That no building or structure shall have a gross floor area greater than the are within the district of the lot on which it is situated, multiplied by the floor area ratio factor of 0.45;

      (ii) Notwithstanding Section 2.(2)J.(viiia) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

         a) an attached garage;
         b) a detached garage; and,
         c) the floor occupied by heating, air conditioning and laundry equipment;

(iii) For the purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;

(iv) In addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade;

(v) That notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height; and,

(vi) That Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the Westdale North Neighbourhood;

(b) That notwithstanding Section 11 of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;

(c) That in addition to the requirements of Section 14 of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;

(e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Maps W-21, W-22, W-31 and W-32 be notated S - ;

(f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-21, W-22, W-31 and W-32 for presentation to City Council; and,

(g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification in zoning to the "C" (Urban Protected Residential, etc.) District for the Westdale North Neighbourhood, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to regulate the height, bulk and size of single detached dwellings to ensure compatibility with the existing housing stock. As such, the By-law will:

- establish a maximum building size based on gross floor area equal to 45% of the area of the lot whereas there is no maximum floor area regulation in the "C" District;

- define "Gross Floor Area" as being the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

    a) an attached garage;
    b) a detached garage; and,
    c) the floor occupied by heating, air conditioning and laundry equipment;

- for the purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;

- in addition to the requirements of Section 18A, require that where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade;

- establish a maximum building height of 2 storeys and 9.0 metres, whereas the zoning by-law currently permits a maximum height of 2½ storeys for buildings and 11.0 metres for structures;

- exempt the Westdale North Neighbourhood from Section 18(2)(i) of Zoning By-law No. 6593 which permits 3 storey dwellings subject to increased side and rear yard setbacks;

- apply the above regulations for single detached dwellings to the "E" District and "H" District.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Planning and Development Committee Meeting, April 8, 1996

Planning and Development Committee, at its meeting of April 8, 1996, directed Planning and Development Department staff to prepare a report and schedule a Public Meeting on overbuilding within the Westdale North and Westdale South Neighbourhoods.

Given the pattern of development activity that has occurred in the adjacent Ainslie Wood Neighbourhoods, the Committee was concerned that the Westdale North and Westdale South Neighbourhoods would be subject to overbuilding activity. This would result in the demolition of existing dwellings and the construction of new dwellings, which due to the height, mass and bulk, would be incompatible with the surrounding neighbourhood.

Planning and Development Committee Meeting, June 19, 1996

Planning and Development Committee, at its meeting of June 19, 1996, approved special zoning regulations for the Westdale South Neighbourhood. It was originally intended zoning regulations for both the Westdale North and Westdale South Neighbourhoods would be considered at this meeting. However, the notice of the public meeting which was published in the Spectator on June 1, 1996, contained an error on the key map. The western boundary of the Westdale North Neighbourhood study area was inadvertently labelled as Paradise Road. The correct boundary is Parkside Drive and Parkview Drive. As a result, it was necessary to schedule a separate public meeting for the Westdale North Neighbourhood. A revised notice of the public meeting was published in the Spectator on June 15, 1996.

Council, at its meeting of June 25, 1996, passed By-law No. 96-109 which established special zoning provisions for the Westdale South Neighbourhood.

Zoning Regulations for the Westdale North and South Neighbourhood

Based on a review of the existing zoning regulations, dwelling sizes and lot sizes for the Westdale North and Westdale South Neighbourhoods, and the provisions utilized in other municipalities, a preferred option for the Westdale North and Westdale South Neighbourhoods was developed. The analysis and rationale for the preferred option is outlined in the staff report presented at the June 19, 1996, Planning and Development Committee meeting. Copies of the report are available from the Secretary of the Planning and Development Committee or the Planning and Development Department.

Succinctly, the preferred option is:

- maximum gross floor area for new construction and additions to existing dwellings should not exceed 45% of the lot area (a GFA ratio of 0.45).

- a maximum building height of 9.0 m and 2 storeys; and

- require that the where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade.

COMMENTS:

1. The preferred option can be supported on the following basis:

   - it would not conflict with the intent of the Official Plan;

   - it would ensure compatibility between existing dwellings and new dwellings; and,

   - it would allow for the renovation and restoration of existing dwellings.

2. As previously noted, notice of the public meeting regarding the "Overbuilding" Study for the Westdale North and Westdale South Neighbourhoods was published in the Spectator on June 1, 1996. The notice contained an error on the key map. The western boundary of the Westdale North Neighbourhood study area was inadvertently labelled as Paradise Road. The correct boundary is Parkside Drive and Parkview Drive. As a result, it is necessary to hold a separate public meeting for the Westdale North Neighbourhood. Notice of the public meeting was published in the Spectator on June 15, 1996.

3. It is appropriate that the following modifications be made to the "C" (Urban Protected Residential, etc.) District for the Westdale North Neighbourhood:

   i) Notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure within the Westdale North Neighbourhood shall exceed two storeys and 9.0 metres in height;

   ii) The total gross floor area of all dwellings units or parts thereof on each lot shall not exceed 0.45 times the lot area;

   iv) For any room within the dwelling where the floor to ceiling height exceeds 4.6 metres, then the gross floor area for that portion of the dwelling shall be multiplied by a factor of 1.9; and,

   iv) Notwithstanding Section 2.(2)J.(viiia) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

a) an attached garage;
b) a detached garage; and,
c) the floor occupied by heating, air conditioning and laundry equipment;

v) In addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade.

4. The proposed changes to the zoning by-law will have implications for existing homeowners. In those situations where a proposed dwelling exceeds the maximum permitted GFA, or alternatively where an addition is proposed onto an existing 2½ storey dwelling, then the proponent could apply for a rezoning or seek relief from the provisions of the zoning by-law by applying to the Committee of Adjustment.

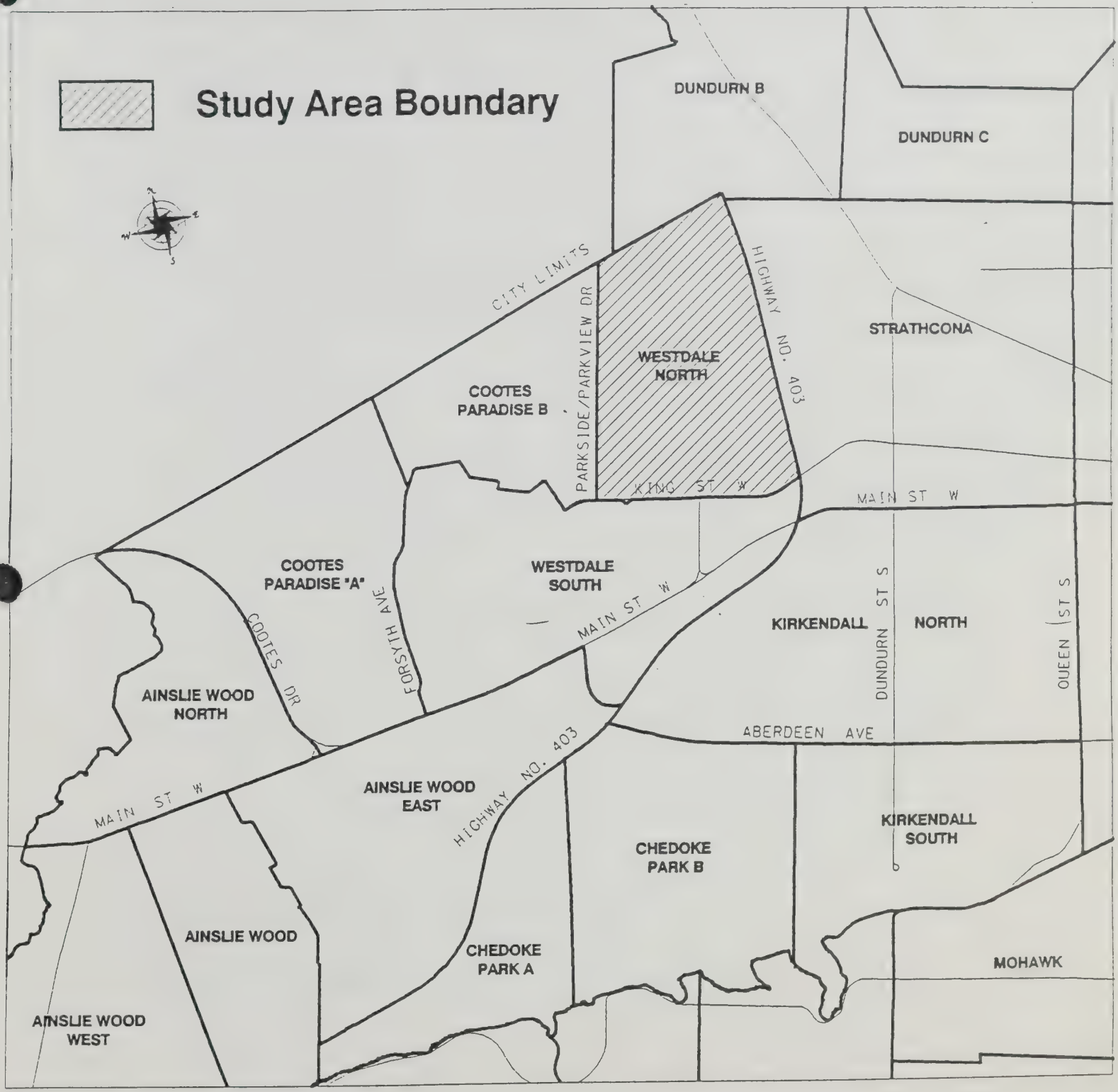
5. This report has been prepared with input from the Law Department, Building Department and Traffic Division, Department of Public Works and Traffic. In this regard, the Building Department and Traffic Division concur with the proposed modification in zoning for the Westdale North and the Westdale South Neighbourhoods. In addition, the Law Department has recommended that rather than amending By-law No. 96-109 to include the Westdale North Neighbourhood, a separate by-law should be passed. The provisions of the By-law for the Westdale North Neighbourhood are the same as those for the Westdale South Neighbourhood.

CONCLUSION:

On the basis of the foregoing, City Initiative 96-E can be supported.

CI96-E.NTH

/sr


Study Area Boundary
DUNDURN B
DUNDURN C
CITY LIMITS
PARKSIDE/PARKVIEW DR
HIGHWAY NO. 403
WESTDALE NORTH
STRATHCONA
COOTES PARADISE B
KING ST W
MAIN ST W
COOTES PARADISE "A"
FORSYTH AVE
WESTDALE SOUTH
COOTES DR
MAIN ST W
KIRKENDALL NORTH
DUNDURN ST S
QUEEN ST S
AINSLIE WOOD NORTH
ABERDEEN AVE
MAIN ST W
AINSLIE WOOD EAST
HIGHWAY NO. 403
KIRKENDALL SOUTH
CHEDOKE PARK B
AINSLIE WOOD
CHEDOKE PARK A
MOHAWK
AINSLIE WOOD WEST

APPENDIX "A"

1a)

June 25, 199

Ms. Tina Agnello, Secretary
Planning & Development Committee
The Corporation of the City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

SUBJECT: OVERBUILDING STUDY (MONSTER HOMES)
PUBLIC MEETING OF THE PLANNING AND
DEVELOPMENT COMMITTEE - JULY 03, 199[illegible]

Dear Ms. Agnello:

I will be present at the subject noted meeting and wish to appear before the Committee to present a petition signed by over one thousand residents of the Westdale Neighbourhoods who are opposed to the building of "Monster Homes" in the area of Hamilton commonly referred to as Westdale. It is, therefore, requested that I be placed on the Agenda for the above mentioned meeting.

Copies of the presentation and the petition will be provided to the Committee Members by Alderman Mary Kiss prior to the commencement of the meeting.

Your anticipated co-operation is appreciated by the residents of Westdale.

Sincerely

Joy James
:jj
c.c. Alderman Mary Kiss

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 June 26
CI-91-I

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

Len King, P. Eng.
Building Commissioner

SUBJECT: Regulation of Mobile Signs

RECOMMENDATION:

That approval be given to City Initiative 91-I, to regulate mobile signs on private property on the following basis:

(a) (i) That the Building Commissioner be directed to proactively enforce the current regulations of Zoning By-law No. 6593 as it applies to mobile signs on private property;

(ii) That the Senior Director - Roads Department be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

(iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing the by-law ;

(b) That the Building Commissioner be directed to compile an inventory of all mobile signs

deemed non-conforming under the by-law to be passed under the Municipal Act (APPENDIX "A" attached); and,

(c) That the by-law to regulate mobile signs on private property, in accordance with the provisions of the Municipal Act, (see attached APPENDIX "A") not be passed by Council until the Building Commissioner has advised that the inventory of the non-conforming mobile signs has been completed and illegal signs have been identified.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The technical report dated April 12, 1996, considered by Planning and Development Committee at their meeting of April 17, 1996, (see attached APPENDIX "B") details cost implications for establishing an inventory of signs, proactive enforcement of Zoning By-law No. 6593 and a new by-law passed under the Municipal Act.

BACKGROUND:

The Planning and Development Committee, at their meeting of 17 April 1996, directed staff to:

> *"schedule a Public Meeting of the Planning and Development Committee for 1996 May 22 at 7:00 p.m. to consider a draft by-law to regulate mobile signs in accordance with the Municipal Act, R.S.O., and that the appropriate Public Notice be given."*

The written submissions and notes for the 22 May 1996, Public Meeting of Planning and Development Committee were considered in an INFORMATION REPORT to the Committee at the 19 June 1996 meeting.

REPORT:

The following is a summary of concerns raised in response to the Public Meeting regarding the draft by-law to regulate mobile signs:

- the four (4) fifteen consecutive day time periods (ie. 60 days) per year is too short;
- maximum of one (1) sign per property is too limited;
- minimum sign size of 3.7 m^2 is too small;
- third party advertising should be permitted;

- mobile sign businesses should be licensed;
- refinement of various yard and distance requirements;
- cost of permits;
- safety;
- visual and aesthetic impacts;
- site specific by-law for local business areas; and,
- economic impacts of by-law on sign companies and the small businesses using mobile signs.

Discussion of the Issues

Time Periods

Comments received indicate that the proposed time periods for display (ie. four (4) fifteen (15) consecutive day time periods per year - a total of 60 days) is too limited. Suggestions included increasing this to 120 days, 180 days or having no time limit. Other municipalities have time periods ranging from 30 days per year up to 210 days per year. The City of Brampton has no time limit, but charges $35 for each two week display period with a minimum of 30 m between signs.

Given the comments received and the experience of other municipalities, there is merit to increase the time period in the draft by-law from four (4) fifteen day time periods per year to six (6) fifteen (15) day time periods (a total of 90 days per year).

Number of Signs per Property

The draft by-law proposes only one sign per property notwithstanding that there may be several tenants (ie. shopping plaza). Only two other municipalities limit the number of signs to one per property (Cambridge and Mississauga). Some suggestions and other municipalities' regulations include: 1 sign per occupancy, with a minimum separation distance of 30 m; maximum of 3 signs per property; maximum 3 signs per street frontage, with minimum separation distance of 15 m between mobile signs; 1 sign for multiple tenant building of up to 24 units, 2 signs for multiple tenancy buildings in excess of 24 units; and, no limit but a minimum separation distance of 30 m (98.4 feet) between each mobile sign.

Given the comments received, and the experience of other municipalities, there is merit to increase the number of signs to permit a maximum of two per property, with a minimum

separation distance of 30 m between each mobile sign on the same property.

Maximum Size of Sign

Comments received indicate that the proposed maximum sign area of 3.7 m (39.8 feet^2) is too small. The survey of other municipalities identified a range from a 3.7 m^2 (39.8 square feet) to 15 m^2 (161 square feet). The median size is approximately 6.7 m^2 (72 square feet). A recent field survey indicated a range from 5.6 m^2 (60 square feet) to 6.7 m^2. On this basis, an increase in the sign area per face from 3.7 m^2 to 5.6 m^2 can be supported.

Third Party Advertising

Comments have been received both in favour and opposed to the regulations regarding "third party advertising" in the draft by-law. Section 13(b) and 14(e) of the draft by-law allow the sign to relate only to the property for which the application has been made. In this regard, it is noted that there have been several court challenges (the most recent in Burlington which is not yet concluded) on this aspect of the by-law. Notwithstanding the court challenges, this provision should be maintained.

Licensing Mobile Sign Operators

Several comments indicated that mobile sign operators should be licensed by the City. A number of municipalities license mobile signs operators (London, Mississauga, Kitchener, Milton, Oakville, amongst others). Advantages and disadvantages of licensing operators based on the experience of other municipalities were discussed in a previous report.

The City Clerk's Department administers licensing activities and has advised that the City has been deregulating a number of license categories in favour of other options (ie. adequate Provincial or other regulation to control activities). That Department suggests other options to licensing should be pursued (ie. proactive enforcement of existing regulations). Based on these comments, licensing of mobile sign operators cannot be supported.

Permit Costs

The Building Department recommends a fee of $35 per sign per two week period. This fee would allow full cost recovery for the Building Department, and would cover the cost of a Building Inspector, benefits and a vehicle.

Refinement to Various Yard Requirements

Several comments indicate that the 3.0 m setback for a mobile sign from the property line may be to restrictive. Other municipalities range from .4 m to 3.0 m, with a median of approximately 1.5 m. Given the temporary nature of these signs and their dependence on passing traffic, the reduction of the 3.0 m setback from the property line to 1.5 m can be supported.

In addition, the proposed by-law has three on-site location restrictions which merit further consideration, including:

- 45.7 m (150 feet) setback from the edge of a traffic light standard;
- 15 m (49.21 feet) setback from the closest edge of the paved portion of an intersection; and,
- 15 m (49.21 feet) setback from the closest edge of a permanent sign.

The intent of including these provisions in the by-law is for safety and aesthetic reasons. However, these setbacks may be difficult to enforce in the field and further, may not provide sufficient opportunity for temporary advertising by mobile signs on smaller lots in older parts of the City. On this basis, these three provisions should be deleted from the proposed by-law.

Site Specific By-law for Local Business Areas

At the May 22, 1996 Public Meeting on this matter, a representative of the Westdale BIA requested that their business area be exempt from this by-law for one year so that the BIA and City staff could develop a "made in Westdale solution". It is recognized that different areas of the City may have unique conditions which the proposed by-law may not take into account. The by-law however, does include a provision for application for a minor variance to the by-law which can recognize special circumstances.

Furthermore, adoption of the by-law would not preclude reviewing the Westdale B.I.A. and amending the by-law if appropriate.

Recommended Changes to the Draft By-law

Based on the input received and the experience of other municipalities, a number of changes and refinements to the draft by-law to regulate mobile signs on private property, considered by the Planning and Development Committee at their meeting of April 17, 1996, can be supported as follows:

- an increase in the time periods from four (4) fifteen day time periods (60 days per year) to six (6) fifteen day time periods (90 days per year);

- an increase in the maximum number of signs per property from 1 to 2 but add a minimum separation distance of 30 m between each sign on the same property;

- an increase in the maximum sign area per face from 3.7 m^2 (39.8 square feet) to 5.6 m^2 (60 square feet);

- the reduction of the 3.0 m (9.8 feet) setback from the property line, to 1.5 m (4.9 feet); and,

- the deletion of the following requirements:

  - 45.7 m (150 foot) setback from the edge of a traffic light standard;
  - 115 m (49.21 foot) setback from the closest edge of the paved portion of an intersection; and,
  - 49.21 foot setback from the closest edge of a permanent sign.

In addition, there are a number of technical refinements required for clarification purposes. All changes are shown on the attached APPENDIX "A".

Implementation Strategy

Proactive enforcement of the current provisions of the City of Hamilton Zoning By-law in advance of the passage of a mobile sign by-law under the Municipal Act will reduce the number of non-conforming mobile signs in the City and greatly assist the Building Department in accurately identifying which signs enjoy non-conforming status under the Municipal Act.

To ensure the proposed by-law is effective, the Committee should:

- direct the Building Commissioner to proactively enforce the current regulations under Zoning By-law No. 6593 as they apply to mobile signs on private property;

- direct the Senior Director - Roads Department to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

- request Regional Council to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City.

The Building Department estimates that these actions have the potential to reduce the number of signs dramatically. In April of 1996, a survey on Upper James Street revealed that 65% of the signs were located on the road allowance. Of the remaining 35%, only half were in contravention of the zoning by-law. If these statistics are true in other areas of the City, then enforcement will reduce the number of signs by 82%.

Signs on the municipal road allowance will continue to be enforced by the Roads Department. However, given the Region's costs for removal of mobile signs, the City may want to consider the possibility of tendering this work to the lowest bidder.

As noted in the previous report (see APPENDIX "B" attached), an inventory of the existing signs is the most effective means to determine which signs are legal non-conforming at the time the a by-law is passed under the Municipal Act. On this basis, the Building Commissioner should be directed to undertake this inventory in advance of passing the by-law, and report back to the Committee when this is complete.

The Building Department advises that it will take a minimum of three (3) months to undertake the proactive enforcement and the inventory of mobile signs. The by-law to regulate mobile signs should not be passed until this work is completed to ensure the Building Department can accurately identify those signs which enjoy non-conforming status under the Municipal Act in advance of passing the by-law. On this basis, should Council endorse the recommendations of this report, then the by-law to regulate mobile signs on private property under the Municipal Act (APPENDIX "A" attached), should not be passed until October, 1996.

CONCLUSION:

Based on the foregoing, the Committee should consider the following actions:

- direct the Building Commissioner to proactively enforce the current regulations of Zoning By-law No. 6593 as it applies to mobile signs on private property; and.

- direct the Senior Director - Roads Department to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

- request Regional Council to proactively enforce the Regional Signs By-law No. 94-117 with respect to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing a by-law.

Further, the Committee should:

- direct the Building Commissioner to compile an inventory of those mobile signs considered non-conforming under the provisions of the draft by-law (see APPENDIX "A" attached); and,

- not recommend the passage of the draft by-law (see APPENDIX "A" attached) until the Building Commissioner has advised that the inventory has been completed, and the illegal signs have been identified.

CLF/PL
CI-91-I

THE CORPORATION OF THE CITY OF HAMILTON
BY-LAW NO.

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF MOBILE SIGNS ON PRIVATE PROPERTY WITHIN THE CITY OF HAMILTON

WHEREAS Section 210, paragraph 146 of the Municipal Act R.S.O. 1990, c.M. 45, authorizes a council of a local municipality to pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof,

AND WHEREAS the Council of The Corporation of the City of Hamilton has deemed it desirable to enact a by-law regulating the size, use, location and maintenance of mobile signs on private property for the purpose of ensuring that mobile signs minimize hazards to pedestrian and vehicular traffic,

AND WHEREAS Council has deemed it desirable to enact a by-law which imposes restrictions on the number of mobile sign permits that will be issued and to limit the amount of time a mobile sign can be placed in one location for the purpose of maintaining and preserving the aesthetic integrity of the urban landscape,

AND WHEREAS Council is empowered under Section 326 of the Municipal Act, R.S.O. 1990, c.M.45, to require compliance with this by-law, and upon default of such compliance, may carry out such corrective action as is deemed appropriate and may recover the expenses incurred in doing so in like manner as municipal taxes,

AND WHEREAS Council is empowered under Section 320 of the Municipal Act, R.S.O. 1990, c.M.45 to impose fines for the contravention of any by-law,

NOW THEREFORE the Council for The Corporation of the City of Hamilton ENACTS as follows:

ADMINISTRATION AND GENERAL PROVISIONS

Definitions

1. In this By-law,

(a) "agent" means a person designated by another person to act on his behalf;
(b) "applicant" means a person applying for a mobile sign permit under this By-law;
(c) "business" means any one activity, dealing, occupation or trade of either a commercial, industrial or professional endeavour as carried out or engaged in, at an establishment;
(d) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the City of Hamilton and includes his designate;
(e) "City" means the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;
(f) "commercial district" means property that is zoned commercial as defined under City of Hamilton Zoning By-law 6593 as amended;
(g) "commercial or industrial complex" includes a shopping centre, shopping mall, shopping plaza, strip plaza, mall or place and is a group of three or more commercial uses excluding professional and administrative offices;
(h) "Corporation" means The Corporation of the City of Hamilton;
(i) "Council" means the Council for The Corporation of the City of Hamilton;
(j) "daylight triangle" means an area of a corner lot which is determined after the side lot line adjacent to the street and the street lot line have been extended to their point of intersection and by measuring from the point of intersection of the two lot lines a distance of 9.0m, along each lot line and joining such points with a straight line. The triangularly-shaped land between the point of intersection of such lot lines and the straight line joining the points at the designated distance along each such lot line shall be known as the "daylight triangle";
(k) "downtown core" means the area shown on Schedule "A" of this By-law;
(l) "electronic variable message centre (EVMC)" means an illuminated sign or part thereof which is computer controlled and which displays information to the public

or attracts attention to the message by way of a pre-arranged or variable sequence of electronically generated letters, words, light patterns or shapes;

(m) "erect" includes the placing of, arranging for the placing of, the renting of, or the leasing of;

(n) "flashing mobile sign" means a mobile sign equipped with an intermittent or flashing light source;

(o) "street lot line" means the line that divides a lot from a street, but not a lane or alleyway;

(p) "grade" means the average level or elevation of the finished surface of the ground adjoining a building at all of the exterior walls or the mobile sign structure at the point of contact with the ground but shall not include any artificial embankment or planter box;

(q) "illumination" means lighting of the sign, in whole or in part by artificial means. Internal illumination means lighting the sign face with a light source located within the sign; external illumination means having a light source exterior to the sign and on, or directed at the sign, and flashing illumination means illumination that varies and is perceived to vary in intensity or design at periodic intervals;

(r) "industrial district" means property that is zoned industrial and defined under City of Hamilton Zoning By-law 6593 as amended;

(s) "message board" means that part of a sign on which the copy, characters, symbols or letters used to create the sign message are displayed, and "display surface" shall have a similar meaning;

(t) "mobile sign" means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

(u) "mobile sign permit" means a mobile sign permit issued by the Chief Building Official or his designate pursuant to the provisions of this By-law for the legal display of a mobile sign;

(v) "motorized vehicle" means an automobile, truck, motorcycle or similar self-propelled means of transport but does not include a trailer;

(w) "multiple address location" means a location where two or more municipal addresses are contained in the same commercial or industrial complex or place;

(x) "permit holder" means a person who holds a valid mobile sign permit issued under this By-law;

(y) "person" means an individual, firm, corporation, association or partnership and includes an owner and lessee of a property;

(z) "premises" means specific property, and includes all buildings and accessory structures thereon;

(aa) "property" means and refers to the location where a sign is to be positioned for display, or is displayed, or can be a reference to a specific street address of a business and includes a multiple address location;

(bb) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;

(cc) "sign area" means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border shall include all the area of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign;

(dd) "sign height" means the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame;

(ee) "third party advertising" means the advertising contents of a mobile sign which is meant to direct attention for the purposes of marketing, promoting or advertising a business, product, service, activity or facility which is provided at a location other than where the sign is located; and,

(ff) "unsafe sign" means a sign which is either structurally unsafe, or which constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which would otherwise constitute a risk to the safety of persons or premises.

Administration

2. The Chief Building Official or his designate shall:

(a) receive and process all applications for mobile sign permits required under this By-law;
(b) administer the issuance of mobile sign permits in accordance with provisions of this By-law;
(c) maintain and keep records of all applications received for mobile sign permits and records of all mobile sign permits issued;
(d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

Mobile Sign Permits

3. No person or his agent shall erect, display or otherwise use a mobile sign, without first obtaining a mobile sign permit as provided by this By-law.

4. A person or his agent, may obtain a mobile sign permit if:
   (a) he completes an application form provided by the Chief Building Official or his designate;
   (b) he files, as may be required by the Chief Building Official, in duplicate, a sketch of sufficient detail and quality as is necessary to ascertain whether or not the mobile sign will be in compliance with this By-law with accurate measurements of distances showing the intended location of the mobile sign and from that location the:
      (i) distance to the nearest street lot line;
      (ii) distance to the nearest edge of pavement of the nearest roadway;
      (iii) distance to the nearest edge of pavement at the intersection of two or more streets;
      (iv) distance to the nearest edge of the nearest mobile sign;
      (v) distance to the nearest edge of a building;
      (vi) distance to the nearest residential property; and
   (c) he files, as may be required by the Chief Building Official, measurements of the size of the mobile sign and it's supporting framework.

5. The number of days that a mobile sign is erected or displayed, shall be determined from the date and including the day of permit issuance, or date of erection if the mobile sign was erected prior to permit issuance.

6. The Chief Building Official or his designate may require a person, or his agent to provide proof of interest either as a lessee, renter, tenant or owner of the property on which the mobile sign is to be located, and/or a legal survey of the property on which the mobile sign is located or is intended to be located.

7. At any one property a maximum of one (2) mobile sign permits may be granted at any one time provided that there is a minimum distance of 30 meters between each mobile sign on the same property.

8. No mobile sign permit shall be issued for a property, person or business at a municipal address or location where thirty (30) days have not transpired since the expiry date on the previous mobile sign permit for that property.

9. No person shall make application for a mobile sign permit who is not the owner, or the authorized agent of the owner of the property on which the mobile sign is to be placed.

10. No person, or his agent shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a mobile sign permit, or revision thereto.

11. No person, or his agent shall apply for or receive, more than twelve (12) mobile sign permits for any property within any one (1) calendar year in accordance with section 7 above.

12. Applications will be processed in order of date and time received but no permit will be issued for a property which already has a mobile sign permit and until that mobile sign permit has expired.

13. A person or his agent or a permit holder may erect, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign where the sign is not in the "downtown core" (as defined on Schedule "A" to this By-law) and:

(a) is located on property which is zoned as:

(i) a "commercial district" including:

1. the "G" Districts including "G", "G-1", "G-2" and "G-4" [except "G-3" (Public Parking Lot) District]; and
2. the "H" and "HH" Districts; or

(ii) an "industrial district" including:

1. the "J" and "JJ" Districts;
2. the "K" and "KK" Districts; and
3. the "M" Districts, including "M-11", "M-12", "M-13", "M-14", and "M-15";

(b) is displaying a message that clearly indicates the use is for the property for which an application has been made;

(c) is in good repair and has not become unsafe, unsightly or dangerous;

(d) is situated at grade;

(e) where it is electrically illuminated, has Ontario Hydro safety code approval;

(f) where it is utilizing electrical power, uses only an electrical cord that has C.S.A. approval;

(g) is located on private property and is not located on a road allowance;

(h) where it is located within 100 feet (30.5 metres) of a residential zone, is equipped with a timer to turn off the light source in order to eliminate any annoyance to persons in the adjoining residential zones between the hours of 10:00 P.M. and 8:00 A.M.;

(i) has the name and telephone number of the owner of the mobile sign affixed to the mobile sign at a clearly visible location;

(j) has not greater than $5.6m^2$ of sign area per face with no one dimension greater than 2.4m; and

(k) has a sign height that does not exceed 2.4m.

14. No person, or his agent or permit holder, shall erect, permit to be erected, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign on lands or buildings owned, rented, leased or occupied by them:

(a) for more than six (6), fifteen (15) consecutive day increments based on the calendar year at any property to which the mobile sign permit was issued;

(b) on a property where a previous mobile sign permit has expired and no further permits are available in accordance with subsection (a) above;

(c) the content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the municipality, or which would identify, advertise or provide information in relation to a use or occupancy not permitted under a Zoning By-law;

(d) contrary to the approved location on a sketch, and contrary to information on the application, in respect of which the mobile sign permit was issued;

(e) which is for the purpose of third party advertising;

(f) so as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting;

(g) at any location where the sign obstructs the sightlines and view of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device;

(h) which obstructs or otherwise interferes with an exit door or fire escape, fire exit route, fire hydrant, or yard hydrant so as to prevent or impede the free access of emergency vehicles and personnel to emergency equipment or to any part of a building requiring such access;

(i) which obstructs or otherwise impedes the parking of a motor vehicle or is situated in a required parking or manoeuvring area;

(j) with electrical wiring in the path of vehicular or pedestrian traffic;

(k) which has flashing or moving lights;

(l) which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion;

(m) which in whole, or in part is an electronic variable message centre;

(n) which emits illumination resembling an emergency light or traffic regulating device;

(o) prior to the issue date or after the expiry date as set out in the mobile sign permit;

(p) which would be an unsafe sign;

(q) within 50 feet (15 metres) of the closest edge of the nearest mobile sign;

(r) within 30 feet (9 metres) of the intersection of two streets;
(s) within 50 feet (15 metres) of a residential district;
(t) where the setback from property lines to the mobile sign is less than 1.5 metres;
(u) where the mobile sign is elevated on any temporary or permanent object which is being used as the base for a mobile sign or part of a mobile sign structure;
(v) where the property is zoned anything other than that indicated in section 13;
(w) where the property on which the mobile sign is located is zoned "residential";
(x) where the property on which the mobile sign is situated is located, in the downtown core as shown on Schedule "A" of this By-law;
(y) where two mobile sign permits have already been issued for the property and have not expired;
(z) where the mobile sign would not comply with this or any other by-law;
(aa) which has more than two sign faces or any one sign face which exceeds 5.6m^2 in area or has any one dimension that is greater than 2.4m;
(bb) which has a maximum height measured from grade greater than 2.4m; and

15. A person or his agent shall place the mobile sign at the municipal address of the person named on the application.

16. The permit fee as set out in Schedule "B" shall be submitted with each application for a mobile sign permit.

17. The permit fee as set out in Schedule "B" does not apply to an application for a City of Hamilton sponsored event.

REVOCATION OF A PERMIT

18. A mobile sign permit may be revoked by the Chief Building Official or his designate under the following circumstances:
(a) where the mobile sign does not conform to this By-law and amendments thereto;
(b) where the mobile sign does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
(c) where the mobile sign permit has been issued as the result of false, incorrect or misleading statements;
(d) where the mobile sign permit has been issued in error by the Chief Building Official or his designate.

VARIANCES

19. (a) Where the applicant or person in control of a sign for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor variance from the provisions and regulations of this by-law.

The Council shall hear all such applications and may authorize minor variances from the provisions and regulations of this by-law.

(b) All applications for a minor variance shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of three hundred dollars ($300.00). The variance fee shall not be refundable.

PENALTIES AND ENFORCEMENT

Removal of Illegal Mobile Signs

20. (a) When a mobile sign is erected or displayed in contravention of the provisions of this By-law, the mobile sign shall be removed immediately without notice, where located on, over, partly on, or partly over, property owned by or under the jurisdiction of the City of Hamilton;
(b) Where a mobile sign is located on property other than property owned by or under the jurisdiction of the City of Hamilton, the Chief Building Official or his designate may forward a notice, by personal service or regular post, to the Lessee

or owner of the sign, or their agents, or to the person or agent having the use or major benefit of the mobile sign, requiring that the mobile sign be permanently removed within the time specified in the Notice and thereafter not replaced with any mobile sign in contravention of this By-law;

(c) If the Notice is not complied with the Chief Building Official or his designate may require that the municipality, its employees, or an independent contractor enter upon the land and remove such mobile sign. The owner of the land upon which the mobile sign was located shall pay for any costs or expenses of the City. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended from time to time;

(d) where a mobile sign is deemed by the Chief Building Official or his designate to be in such a condition or location that it is or may be a hazard to the public, the Chief Building Official or his designate may either serve written notice to the owner or tenant of the property on which, or in front of which such mobile sign is located, to remove such mobile sign or make the same safe, or without giving notice to the owner or tenant of the property on which such mobile sign is located, cause such mobile sign or structure to be removed;

(e) any sign removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed;

(f) mobile signs removed shall be stored by the City for a period of time of not more than thirty (30) days, during which time the owner or his agent may be entitled to redeem such mobile sign upon the payment to the City of a one hundred dollar ($100.00) fee in addition to any applicable costs or expenses referred to in subsection (c) above;

(g) where a mobile sign has been removed by the City and stored for a period of 30 days and has not been redeemed, such mobile sign shall be forthwith destroyed or otherwise disposed of by the City.

Penalty for Non-Compliance

21. (a) Any person who, on his own or by his agent, contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time to a fine of not more than five thousand dollars ($5,000.00), exclusive of costs, for each offence. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such thereunder. Such fine shall be recoverable under the Provincial Offences Act.

(b) Where a person has been convicted of an offense under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offense.

(c) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

Liability

22. Any persons erecting or maintaining any mobile sign or on whose property a mobile sign is located, shall be liable for such mobile sign. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such mobile sign or part thereof.

Notice

23. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by registered mail addressed to the person making application for permit to erect a mobile sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located, or at the last address for

delivery appearing on the records of the Chief Building Official or his designate. Where service is effected by registered mail, it shall be deemed to be made on the third day after the date of mailing.

Schedules

24. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

Applicability

25. This By-law shall be applicable to all lands within the corporate limits of the City of Hamilton.

Validity

26. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Meaning

27. For the purpose of this By-law, where the words "his" or "he" is used they shall also mean or stand for the words "her" "she" and "it" in the case of a corporation.

Short Title

28. This By-law shall be known as the Mobile Sign By-law.

Effective Date

29. This By-law comes into force and takes effect on the day of , 19 .

ENACTED AND PASSED this day of , 19 .

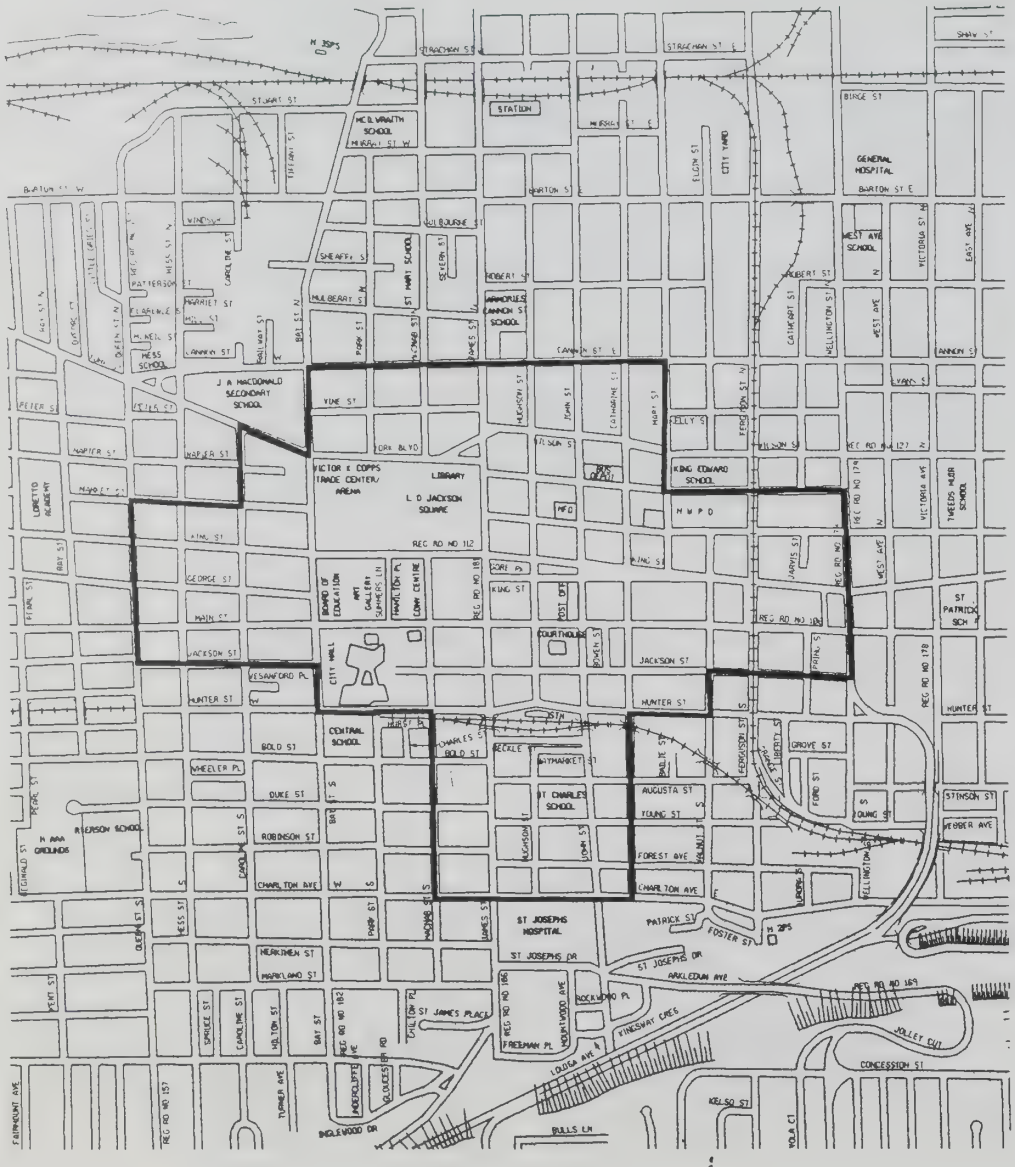
THE CORPORATION OF THE CITY OF HAMILTON

_____

ROBERT M. MORROW, MAYOR

_____

JOSEPH J. SCHATZ, CITY CLERK



This is Schedule "A" to By-Law No. 96 -.....
Passed the ..... day of ....., 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96-.....

Planning and Development Department

Legend

Delineates Boundary of Downtown Core

North	Scale	Reference File No.
	NOT TO SCALE	CI-91-I
	Date	Drawn By
	April 1996	R.L.

SCHEDULE "B"

PERMIT FEES

All permit applications shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of thirty-five ($35.00) per two week period.

APPENDIX "B"

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1996 April 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning & Development

Len King, P.Eng.
Building Commissioner

P. Noé Johnson
City Solicitor

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Mobile Signs (CI-91-I, 96.2.4.2.1.A, 96.1.6)

RECOMMENDATION:

That staff be directed schedule a Public Meeting of Planning and Development Committee for 1996 May 22 at 7:00 p.m. to consider a draft by-law to regulate mobile signs in accordance with The Municipal Act, R.S.O. (see APPENDIX "A" attached), and that the appropriate Public Notice be given.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Legal

Currently the City Streets By-law prohibits the placement of obstructions such as signs on City highways. The draft By-law to regulate mobile signs under The Municipal Act regulates the placement of signs on private property in specific zoning districts in the City.

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The Municipal Act allows for the recognition of signs that are lawfully erected on the day a sign By-law comes into effect. Signs located in required parking areas or without required setbacks, signs which exceed the area provisions permitted in a zoning district, and signs on road allowances would not be considered non-conforming as they have not been lawfully erected.

Signs that are considered non-conforming are exempt from any regulation that a By-law might impose including the payment of fees. The difficulty in the enforcement of a mobile sign by-law is knowing which signs are non-conforming.

Based on a survey of other municipalities, the most effective way to establish which signs are non-conforming is to inventory all the mobile signs in the City prior to the passing of a By-law. Stoney Creek and London undertook such an inventory using both photographs and video to record the location of mobile signs in the City.

A By-law to regulate mobile signs passed under The Municipal Act must involve notice to the public in accordance with Section 146 of same.

Financial/Staffing

The success of the proposed by-law will be dependant upon two factors:

- Establishing an inventory of existing signs; and,

- Proactive enforcement of the new by-law and existing Zoning By-law #6593.

In order to perform an inventory of signs in the City, the Building Department estimated that there are 4,000 mobile signs. An initial inspection to determine the presence of a sign, a photograph or video of the property, and a record of the inspection will cost approximately $22,000 based on 4,000 signs. This will only provide information that a sign is at a particular property and will provide a record of its existence.

In order to proactively enforce the requirements of the new by-law and the existing zoning by-law, a more detailed inspection will be necessary. It will be required to determine where signs are located in relation to property lines, and may result in legal action for removal of offending signs. The Building Department has determined that the costs associated with detailed inspections are as follows:

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ACTION	NUMBER	UNIT COST	COST
Total of 4,000	4,000		ϕ
Determine roughly that 30% are on the road allowance	1,200	$20	24,000
Enforcement of signs on road allowance	1,200	Region	Region
File search of remaining signs	2,800	$10	28,000
Location, survey, and inspection of 60% of 2,800 to issue Orders	1,680	$100	168,000
Inspection only of 40% of 2,800	1,120	$20	22,400
Legal action, formal survey, and record of remaining signs - 25%	420	$150	63,000
		TOTAL	$305,400

To provide proactive enforcement on a continuing basis requires the equivalent of one fulltime employee. This translates to an annual cost of $70,000 for an Inspector, one vehicle, and related benefits.

Most of this cost could be offset by setting an adequate fee schedule for mobile signs, which would generate cost recovery revenues.

Other costs which will be occurred include establishment of a computer data base for tracking of mobile signs and an automated permit process. It is estimated that this cost would be approximately $20,000.

BACKGROUND:

Planning and Development Committee directed staff to:

> *"...schedule a Public Meeting to consider a draft by-law regulating mobile signs and that the appropriate public notice be given in accordance with the requirements of The Municipal Act; and,*
>
> *That the City Solicitor be directed to prepare a draft by-law regulating mobile signs based on the "preferred option", in consultation with the Building and Planning Department."*

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REPORT:

Draft By-law

In accordance with Committee's direction, a draft by-law (see APPENDIX "A" attached) has been prepared by the Law Department in consultation with the Planning and Building Departments for consideration by the Planning and Development Committee at a public meeting.

The Committee had directed that the by-law include the following parameters in accordance with a staff "preferred option" that had been set out in a previous report:

- **Definition** - "mobile" sign means a sign mounted on a trailer or other free standing structure which is not anchored in the ground and is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

- **Permits and Fees** - three 15 consecutive day increments based on the calendar year;

- **Location (zoning districts)** - to be permitted in commercial and industrial districts such as all the "G" Districts [except "G-3" (Public Parking Lot) District], the "H" and "HH" Districts, the "J" and "JJ" Districts, the "K" and "KK" Districts and all the "M" Districts. Mobile signs will be prohibited in the "downtown core";

- **Number Permitted** - one per property;

- **On-Site Location Restrictions** - consistent yard requirements for all mobile signs regardless of zoning district (ie. 1.5m or 3.0m setback from property lines), a minimum setback be established where it abuts a residential property, prohibit in required parking spaces, a minimum 9.0m setback from the intersection of two streets, and, require a minimum radial separation from another mobile sign (eg. 15m or 50 feet);

- **Third Party Signs** - should refer to a use on the property and not be a third party sign;

- **Size** - maximum 6.7m^2 (72.12 square feet); and,

- **Flashing Lights** - prohibit.

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Given the complexity of the by-law, a number of modifications to the "preferred option" parameters have been made. Some of the modifications include the following:

- **Definition** - modified to delete the words "not anchored to the ground and" in the second line, and to add the word "motorized" before "vehicle" in the second last line, so the definition reads:

  > *"mobile" sign means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials*

- **Permits** - four 15 consecutive day increments based on the calendar year on any property where the permit is issued. Since the sign industry generally leases on a monthly basis it is appropriate to change the three 15 day consecutive time periods to four;

- **Fees** - to be determined.

- **On-site location restrictions** - minimum 3.0m (9.8 feet) from any property line; minimum 15m (50 feet) from a residential district; minimum 9.0m (30 feet) from the nearest intersection of two street; a minimum of 15m (50 feet) from the nearest mobile sign; and, a minimum 10m (30 feet) from the nearest ground sign. These requirements were established as a result of examining other municipal by-laws and input from City Departments; and,

- **Size** - a maximum 3.7m^2 (39.8 square feet) and a maximum height of 2.4m (7.9 feet). These numbers are based on industry standards for the average mobile sign.

Consideration was given to modifying the limit on the number of signs per property given the experience of other municipalities. The limitation of one sign per property might be more appropriately considered after having received public input on the draft by-law.

In addition to the above modifications the following features of the draft by-law should be noted:

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- a thirty (30) day interval between permits on any one property;
- a maximum of four (4) mobile sign permits per property within any one calendar year;
- safety and aesthetic measures such as: sign to be in good repair and not become unsafe, unsightly or dangerous; electrical standards are Ontario Hydro safety code approval and any cords are C.S.A. approved; where located within 100 m (328 feet) of a residential district mobile signs are to be equipped with a timer to turn off the light source between 10:00 p.m. and 8:00 a.m.; signs cannot be placed where they obstruct sight lines for pedestrian or vehicular movement;
- location of signs must be in accordance with permit approved drawings;
- signs located on church, schools, public property, etc. will only be permitted in accordance with the by-law (ie. not permitted in residential Districts or the downtown core);
- permits will be revoked for non-compliance;
- illegal signs will be removed without notice;
- penalty for non-compliance to the by-law is a maximum of $5,000; and,
- provision for minor variance from the by-law.

The draft by-law has been recently circulated to the Roads, Traffic, and Fire Departments. Any comments received as a result of comments from these departments, as well as from the public meeting, may result in a need for further refinements to the draft by-law.

Enforcement

The City and Region presently enforce the regulations affecting mobile signs (ie. Zoning By-law 6593 for signs without wheels on private property, and the respective Roads and Street By-laws for signs on the public road allowance) on a complaint basis or for safety reasons only. The new by-law will be enforced by the Building Department. Signs on the road allowance will continue to be enforced by the Roads Department.

Given the Region's costs for removal of mobile signs from the public road allowances, the City may want to consider the possibility of tendering this work to the lowest bidder.

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The survey of municipalities indicated that proactive enforcement of a by-law passed under The Municipal Act is crucial to its success. Ottawa enacted proactive enforcement of its by-law as an alternative to total prohibition, and found it effective until enforcement staff was reduced resulting in many new illegal signs.

Prior to the passing of the by-law under The Municipal Act, the City may want to consider proactive enforcement of the present regulations in the zoning by-law in any part of the City including the Upper James Street, Centennial Parkway, and Nebo Road areas.

CONCLUSION:

On the basis of the foregoing, a public meeting of the Planning and Development Committee should be held to consider a draft by-law to regulate mobile signs under The Municipal Act, R.S.O. (see APPENDIX "A" attached), and that the appropriate Public Notice should be given.

VJA/CF
Attach.

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THE CORPORATION OF THE CITY OF HAMILTON
BY-LAW NO.

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF MOBILE SIGNS ON PRIVATE PROPERTY WITHIN THE CITY OF HAMILTON

WHEREAS Section 210, paragraph 146 of the Municipal Act R.S.O. 1990, c.M. 45, authorizes a council of a local municipality to pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof,

AND WHEREAS the Council of The Corporation of the City of Hamilton has deemed it desirable to enact a by-law regulating the size, use, location and maintenance of mobile signs on private property for the purpose of ensuring that mobile signs minimize hazards to pedestrian and vehicular traffic,

AND WHEREAS Council has deemed it desirable to enact a by-law which imposes regulations on the number of mobile sign permits that will be issued and to limit the amount of time a mobile sign can be placed in one location for the purpose of maintaining and preserving the aesthetic integrity of the urban landscape,

AND WHEREAS Council is empowered under Section 326 of the Municipal Act, R.S.O. 1990, c.M.45, to require compliance with this by-law, and upon default of such compliance, may carry out such corrective action as is deemed appropriate and may recover the expenses incurred in doing so in like manner as municipal taxes,

AND WHEREAS Council is empowered under Section 320 of the Municipal Act, R.S.O. 1990, c.M.45 to impose fines for the contravention of any by-law,

NOW THEREFORE the Council for The Corporation of the City of Hamilton ENACTS as follows:

ADMINISTRATION AND GENERAL PROVISIONS

Definitions

1. In this By-law,

(a) "agent" means a person designated by another person to act on his behalf;
(b) "applicant" means a person applying for a mobile sign permit under this By-law;
(c) "business" means any one activity, dealing, occupation or trade of either a commercial, industrial or professional endeavour as carried out or engaged in, at an establishment;
(d) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the City of Hamilton and includes his designate;
(e) "City" means the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;
(f) "commercial district" means property that is zoned commercial as defined under City of Hamilton Zoning By-law 6593 as amended;
(g) "commercial or industrial complex" includes a shopping centre, shopping mall, shopping plaza, strip plaza, mall or place and is a group of three or more commercial uses excluding professional and administrative offices;
(h) "Corporation" means The Corporation of the City of Hamilton;
(i) "Council" means the Council for The Corporation of the City of Hamilton;
(j) "daylight triangle" means an area of a corner lot which is determined after the side lot line adjacent to the street and the street lot line have been extended to their point of intersection and by measuring from the point of intersection of the two lot lines a distance of 9.0m, along each lot line and joining such points with a straight line. The triangularly-shaped land between the point of intersection of such lot lines and the straight line joining the points at the designated distance along each such lot line shall be known as the "daylight triangle";
(k) "downtown core" means the area shown on Schedule "A" of this By-law;

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(l) "electronic variable message centre (EVMC)" means an illuminated sign or part thereof which is computer controlled and which displays information to the public or attracts attention to the message by way of a pre-arranged or variable sequence of electronically generated letters, words, light patterns or shapes;

(m) "erect" includes the placing of, arranging for the placing of, the renting of, or the leasing of;

(n) "flashing mobile sign" means a mobile sign equipped with an intermittent or flashing light source;

(o) "street lot line" means the line that divides a lot from a street, but not a lane or alleyway;

(p) "grade" means the average level or elevation of the finished surface of the ground adjoining a building at all of the exterior walls or the mobile sign structure at the point of contact with the ground but shall not include any artificial embankment or planter box;

(q) "illumination" means lighting of the sign, in whole or in part by artificial means. Internal illumination means lighting the sign face with a light source located within the sign; external illumination means having a light source exterior to the sign and on, or directed at the sign, and flashing illumination means illumination that varies and is perceived to vary in intensity or design at periodic intervals;

(r) "industrial district" means property that is zoned industrial and defined under City of Hamilton Zoning By-law 6593 as amended;

(s) "message board" means that part of a sign on which the copy, characters, symbols or letters used to create the sign message are displayed, and "display surface" shall have a similar meaning;

(t) "mobile sign" means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

(u) "mobile sign permit" means a mobile sign permit issued by the Chief Building Official or his designate pursuant to the provisions of this By-law for the legal display of a mobile sign;

(v) "motorized vehicle" means an automobile, truck, motorcycle or similar self-propelled means of transport but does not include a trailer;

(w) "multiple address location" means a location where two or more municipal addresses are contained in the same commercial or industrial complex or place;

(x) "permit holder" means a person who holds a valid mobile sign permit issued under this By-law;

(y) "person" means an individual, firm, corporation, association or partnership and includes an owner and lessee of a property;

(z) "premises" means specific property, and includes all buildings and accessory structures thereon;

(aa) "property" means and refers to the location where a sign is to be positioned for display, or is displayed, or can be a reference to a specific street address of a business and includes a multiple address location;

(bb) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;

(cc) "sign area" means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border shall include all the area of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign. Where used in connection with a sign having more than one display surface, only one-half of the total area of all the display surfaces shall be used in the calculation of the sign area;

(dd) "sign height" means the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame;

(ee) "third party advertising" means the advertising contents of a mobile sign which is meant to direct attention for the purposes of marketing, promoting or advertising a business, product, service, activity or facility which is provided at a location other than where the sign is located; and,

(ff) "unsafe sign" means a sign which is either structurally unsafe, or which constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which would otherwise constitute a risk to the safety of persons or premises.

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Administration

2. The Chief Building Official or his designate shall:
   (a) receive and process all applications for mobile sign permits required under this By-law;
   (b) administer the issuance of mobile sign permits in accordance with provisions of this By-law;
   (c) maintain and keep records of all applications received for mobile sign permits and records of all mobile sign permits issued;
   (d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

Mobile Sign Permits

3. No person or his agent shall erect, display or otherwise use a mobile sign, without first obtaining a mobile sign permit as provided by this By-law.

4. A person or his agent, may obtain a mobile sign permit if:
   (a) he completes an application form provided by the Chief Building Official or his designate;
   (b) he files, in duplicate, a sketch of sufficient detail and quality as is necessary to ascertain whether or not the mobile sign will be in compliance with this By-law with accurate measurements of distances showing the intended location of the mobile sign and from that location the:
      (i) distance to the nearest street lot line;
      (ii) distance to the nearest edge of pavement of the nearest roadway;
      (iii) distance to the nearest edge of pavement at the intersection of two or more streets;
      (iv) distance to the nearest edge of the nearest permanent sign;
      (v) distance to the nearest edge of the nearest mobile sign;
      (vi) distance to the nearest edge of the nearest traffic light standard;
      (vii) distance to the nearest edge of a building;
      (viii) distance to the nearest residential property; and
   (c) he files accurate measurements of the size of the mobile sign and it's supporting framework.

5. The number of days that a mobile sign is erected or displayed, shall be determined from the date and including the day of permit issuance.

6. The Chief Building Official or his designate may require a person, or his agent to provide proof of interest either as a lessee, renter, tenant or owner of the property on which the mobile sign is to be located, and/or a legal survey of the property on which the mobile sign is located or is intended to be located.

7. At any one property a maximum of one (1) mobile sign permit may be granted at any one time.

8. No mobile sign permit shall be issued for a property, person or business at a municipal address or location where thirty (30) days have not transpired since the expiry date on the previous mobile sign permit for that property.

9. No person shall make application for a mobile sign permit who is not the owner, or the authorized agent of the owner of the property on which the mobile sign is to be placed.

10. No person, or his agent shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a mobile sign permit, or revision thereto.

11. No person, or his agent shall apply for or receive, more than four (4) mobile sign permits for any property within any one (1) calendar year.

12. Applications will be processed in order of date and time received but no application will be accepted for a property which already has a mobile sign permit until that mobile sign permit has expired.

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13. A person or his agent or a permit holder may erect, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign where the sign is not in the "downtown core" (as defined on Schedule "A" to this By-law) and:

(a) is located on property which is zoned as:

(i) a "commercial district" including:

1. the "G" Districts including "G", "G-1", "G-2" and "G-4" [except "G-3" (Public Parking Lot) District]; and
2. the "H" and "HH" Districts; or

(ii) an "industrial district" including:

1. the "J" and "JJ" Districts;
2. the "K" and "KK" Districts; and
3. the "M" Districts, including "M-11", "M-12", "M-13", "M-14", and "M-15";

(b) is displaying a message that clearly indicates the use is for the property for which an application has been made;

(c) is in good repair and has not become unsafe, unsightly or dangerous;

(d) is situated at grade;

(e) where it is electrically illuminated, has Ontario Hydro safety code approval;

(f) where it is utilizing electrical power, uses only an electrical cord that has C.S.A. approval;

(g) is located on private property and is not located on public property;

(h) where it is located within 98.43 feet (30 metres) of a residential zone, is equipped with a timer to turn off the light source in order to eliminate any annoyance to persons in the adjoining residential zones between the hours of 10:00 P.M. and 8:00 A.M.;

(i) has the name and telephone number of the owner of the mobile sign affixed to the mobile sign at a clearly visible location;

(j) has not greater than $3.7m^2$ of sign area per face with no one dimension greater than 2.4m; and

(k) has a sign height that does not exceed 2.4m.

14. No person, or his agent or permit holder, shall erect, permit to be erected, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign on lands or buildings owned, rented, leased or occupied by them:

(a) for more than four (4) fifteen (15) consecutive day increments based on the calendar year at any property to which the mobile sign permit was issued;

(b) on a property where a previous mobile sign permit has expired and no further permits are available in accordance with subsection (a) above;

(c) the content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the municipality, or which would identify, advertise or provide information in relation to a use or occupancy not permitted under a Zoning By-law;

(d) contrary to the approved location on the sketch, and contrary to information on the application, in respect of which the mobile sign permit was issued;

(e) which is for the purpose of third party advertising;

(f) so as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting;

(g) at any location where the sign obstructs the sightlines and view of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device;

(h) which obstructs or otherwise interferes with an exit door or fire escape, fire exit route, fire hydrant, or yard hydrant so as to prevent or impede the free access of emergency personnel to emergency equipment or to any part of a building requiring such access;

(i) which obstructs or otherwise impedes the parking of a motor vehicle or is situated in a required parking or manoeuvring area;

(j) with electrical wiring located across a parking lot, or in the path of vehicular or pedestrian traffic;

(k) which has flashing or moving lights;

(l) which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion;

(m) which in whole, or in part is an electronic variable message centre;

(n) which emits illumination resembling an emergency light or traffic regulating device;

(o) prior to the commencement date or after the expiry date as set out in the mobile sign permit;

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(p) which would be an unsafe sign;
(q) within 150 feet (46 metres) of the edge of a traffic light standard;
(r) within 49.21 feet (15 metres) of the closest edge of the paved portion of an intersection;
(s) within 49.21 feet (15 metres) of the closest edge of the nearest mobile sign;
(t) within 49.21 feet (15 metres) of the closest edge of a permanent sign;
(u) within 29.53 feet (9 metres) of the intersection of two streets;
(v) within 49.21 feet (15 metres) of a residential district;
(w) where the setback from property lines to the mobile sign is less than 3.0 metres;
(x) where the mobile sign is on a box, container, stationary vehicle or any other temporary or permanent object which is being used as the base for a mobile sign or part of a mobile sign structure;
(y) where the property is zoned anything other than that indicated in section 13;
(z) where the property on which the mobile sign is located is zoned "residential";
(aa) where the property on which the mobile sign is situated is located, in the downtown core as shown on Schedule "A" of this By-law;
(bb) where a mobile sign permit has already been issued for the property and has not expired;
(cc) where the mobile sign would not comply with this or any other by-law;
(dd) which has more than two sign faces or any one sign face which exceeds $3.7m^2$ in area or has any one dimension that is greater than 2.4m;
(ee) which has a sign height greater than 2.4m; and
(ff) unless the message board of the mobile sign is secured with a locking mechanism to prevent any person, other than the sign permit holder or his agent from having access to the message board.

15. A person or his agent shall place the mobile sign at the municipal address of the person named on the application.

16. The permit fee as set out in Schedule "B" shall be submitted with each application for a mobile sign permit.

17. The permit fee as set out in Schedule "B" does not apply to an application for a City of Hamilton sponsored event.

REVOCATION OF A PERMIT

18. A mobile sign permit may be revoked by the Chief Building Official or his designate under the following circumstances:
(a) where the mobile sign does not conform to this By-law and amendments thereto;
(b) where the mobile sign does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
(c) where the mobile sign permit has been issued as the result of false, incorrect or misleading statements;
(d) where the mobile sign permit has been issued in error by the Chief Building Official or his designate.

VARIANCES

19. (a) Where the applicant or person in control of a sign for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor variance from the provisions and regulations of this by-law.

The Council shall hear all such applications and may authorize minor variances from the provisions and regulations of this by-law.

(b) All applications for a minor variance shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of seventy-five dollars ($75.00). The variance fee shall not be refundable.

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PENALTIES AND ENFORCEMENT

Removal of Illegal Mobile Signs

20. (a) When a mobile sign is erected or displayed in contravention of the provisions of this By-law, the mobile sign shall be removed immediately without notice, where located on, over, partly on, or partly over, property owned by or under the jurisdiction of the City of Hamilton;

(b) Where a mobile sign is located on property other than property owned by or under the jurisdiction of the City of Hamilton, the Chief Building Official or his designate may forward a notice, by personal service or regular post, to the Lessee or owner of the sign, or their agents, or to the person or agent having the use or major benefit of the mobile sign, requiring that the mobile sign be permanently removed within the time specified in the Notice and thereafter not replaced with any mobile sign in contravention of this By-law;

(c) If the Notice is not complied with the Chief Building Official or his designate may require that the municipality, its employees, or an independent contractor enter upon the land and remove such mobile sign. The owner of the land upon which the mobile sign was located shall pay for any costs or expenses of the City. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended from time to time;

(d) where a mobile sign is deemed by the Chief Building Official or his designate to be in such a condition or location that it is or may be a hazard to the public, the Chief Building Official or his designate may either serve written notice to the owner or tenant of the property on which, or in front of which such mobile sign is located, to remove such mobile sign or make the same safe, or without giving notice to the owner or tenant of the property on which such mobile sign is located, cause such mobile sign or structure to be removed;

(e) any sign removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed;

(f) mobile signs removed shall be stored by the City for a period of time of not more than thirty (30) days, during which time the owner or his agent may be entitled to redeem such mobile sign upon the payment to the City of a one hundred dollar ($100.00) fee in addition to any applicable costs or expenses referred to in subsection (c) above;

(g) where a mobile sign has been removed by the City and stored for a period of 30 days and has not been redeemed, such mobile sign shall be forthwith destroyed or otherwise disposed of by the City.

Penalty for Non-Compliance

21. (a) Any person who contravenes any of the provisions of this By-law, or authorizes a contravention of this By-law, is guilty of an offence and liable upon conviction under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, to a fine of not more than five thousand dollars ($5,000.00), exclusive of costs, for each offence.

(b) Where a person has been convicted of an offense under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offense.

(c) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

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Liability

22. Any persons erecting or maintaining any mobile sign or on whose property a mobile sign is located, shall be liable for such mobile sign. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such mobile sign or part thereof.

Notice

23. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by registered mail addressed to the person making application for permit to erect a mobile sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located, or at the last address for delivery appearing on the records of the Chief Building Official or his designate. Where service is effected by registered mail, it shall be deemed to be made on the third day after the date of mailing.

Schedules

24. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

Applicability

25. This By-law shall be applicable to all lands within the corporate limits of the City of Hamilton.

Validity

26. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Meaning

27. For the purpose of this By-law, where the words "his" or "he" is used they shall also mean or stand for the words "her" "she" and "it" in the case of a corporation.

Short Title

28. This By-law shall be known as the Mobile Sign By-law.

Effective Date

29. This By-law comes into force and takes effect on the day of , 19 .

ENACTED AND PASSED this day of , 19 .

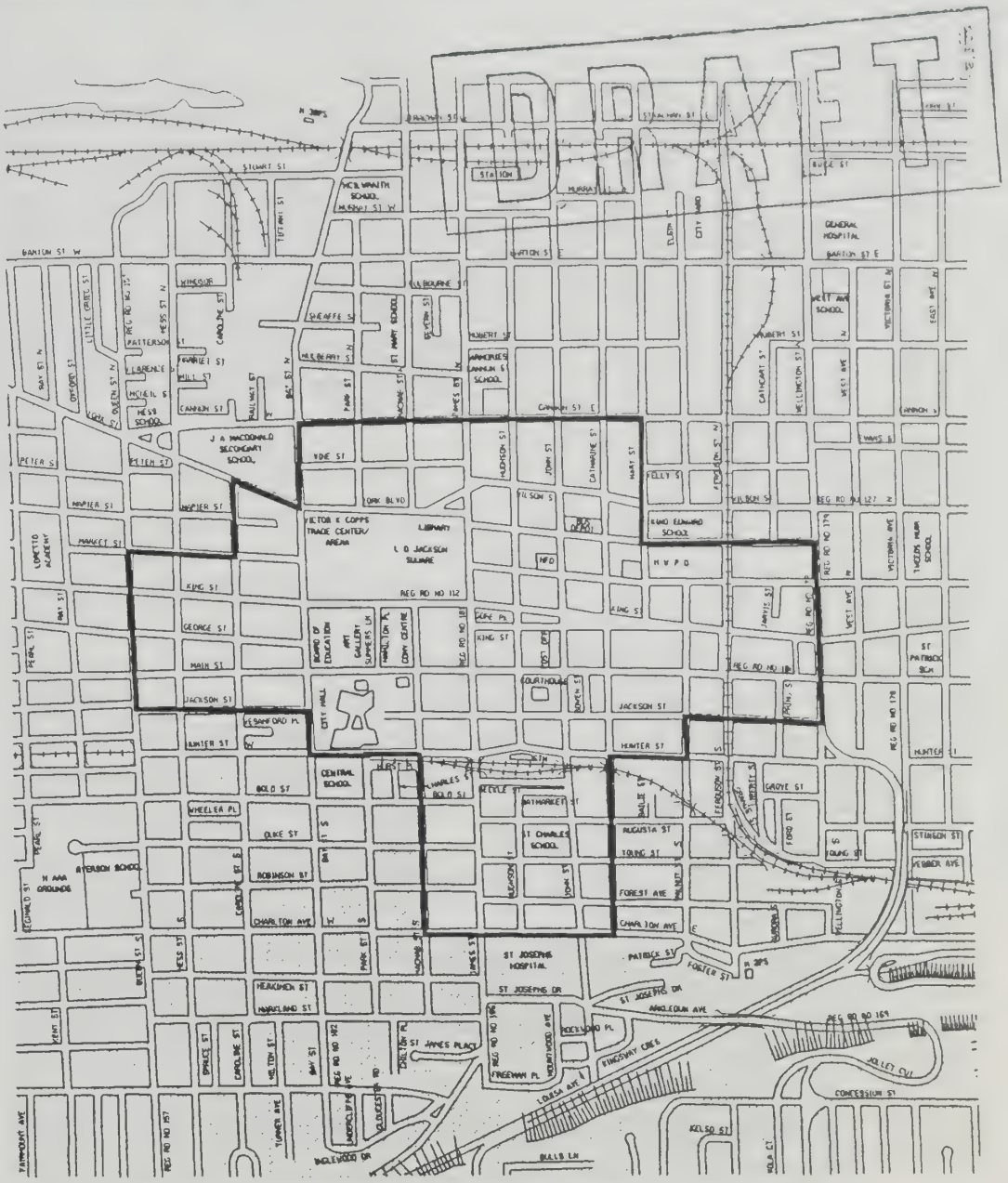
THE CORPORATION OF THE CITY OF HAMILTON

_____

ROBERT M. MORROW, MAYOR

_____

JOSEPH J. SCHATZ, CITY CLERK



This is Schedule "A" to By-Law No. 96 –.....
Passed the ..... day of ....., 1996.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96–.....

Planning and Development Department

Legend

Delineates Boundary of Downtown Core

North	Scale	Reference File No.
	NOT TO SCALE	CI–91–I
	Date	Drawn By
	April 1996	R.L.

copy sent to V. Abraham, Director, Planning and Development Department and Patrice Noé Johnson, City Solicitor - 1996 June 17

2a)

May 27, 1996

Mr. Don Drury, Committee Chairman
Hamilton Planning and Development Committee
City Hall, Main Street East
Hamilton, Ontario

Dear Mr. Drury:

RE: SIGNS, SIGNS, EVERYWHERE A SIGN

I moved to Hamilton some eight years ago and from the first weeks was negatively impressed by the over abundance of mobile signs advertising every nature of goods and service. These are frequently placed on sidewalks, in vacant lots and adjacent to public facilities such as the Chedoke Golf Club. I am a user of the Westdale shopping area and remain constantly amazed that store owners feel compelled to place these objects in front of their stores that are already amply signed i.e.: windows, awnings and, indeed, with existing projecting signs. It is almost as though there is a race to put out the maximum numbers of advertising flyers.

I find these temporary signs aesthetically and intellectually offensive. They assault rather than cajole the senses and in my case, drive me away rather than draw me to commercial enterprises. They represent a casualness and an assumption of causual impressibility of the consumer that I find inappropriate.

The role of mobile signage should be voluntarily or involuntarily returned to that of what it was intended to be -- temporary signage. I fully support your proposal and believe it should allow those, who through natural catastrophe, new openings or change in business practices, require such temporary advertisement outside their establishments.

As to potential job displacements with such regulations, perhaps the owners of these temporary signage companies can concentrate their efforts on improving existing signage or providing new permanent signage of the sort that your group might consider appropriate.

Yours Sincerely,

Henry Muggah

HFM/la

Henry Muggah
120 Chedoke Avenue
Hamilton, Ontario
525-1348

copy sent to V. Abraham, Director, Planning and Development Department and Patrice Noé Johnson, City Solicitor - 1996 June 17

26)

TAMLANN INVESTMENTS LIMITED

75 Lancing Drive, Unit H,
Hamilton, Ontario L8W 2Z9
Phone 905-389-1343
Fax 905-389-0898

June 6, 1996

City Of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention : Alderman Don Drury

Dear Sir:

Tamlann Investments Limited owns and operates Rainbow Gas and Car Wash in the City of Hamilton and in five other cities in Southern Ontario. I am the President and lived all of my life in the City and suburbs, until 1994. Tamlann presently has two sites in the City, with others having been sold off over the past couple of years.

I was very much disturbed by a recent Spectator article outlining your proposed new bylaw regulating mobile signs. I see these proposals as <u>too much, too late.</u> When the proliferation of the black and yellow models began, that probably was the time to think about regulation. Instead this mobile sign frenzy started to feed on itself and larger signs with small glaring neon letters appeared.

More and more signs started to appear on vacant lots, on city property and right of-ways etc. There was still no action and the next phase of large mobile signs, with very large, brilliant neon letter appeared. The kind which you "still see when you close your eyes".

As offensive as these were they were allowed to be placed in a most irresponsible manner all over the City. As you probably know there are four of these monsters on the south side of Limeridge, opposite the mall, entirely on public lands and a new one seemed to pop up on the south -west corner of Wentworth and Limeridge just in the past few days.

I have been an independent in the retail gasoline business in Hamilton since 1959. Back in the beginning years of business I can recall using an early version of these signs. At one time I had a mobile sign at all four or five Rainbow locations that I operated in this City. All of the signs were owned by myself, either on or outright purchase or lease basis. Without the ability to have these signs it would have been very difficult to compete and get my message out to the public. Obviously small business does not have the financial ability to make large media purchases and this is sometimes the only affordable advertising.

I own and operate the Rainbow at Upper Gage Avenue and Stone Church Road. I developed this location ten years ago and have had a mobile sign in place all of that time. Our taxes at that location in 1995 were $53,816.83 and taxes paid since development property exceed $375.000.

Is it fair and even morally correct that small business should now be subjected to this proposed bylaw which will certainly eliminate the sign problem but without regard to the extremely hard consequences that many long established, retailers will suffer. To now collect more taxes for each two week use and to limit the use to four periods per year is unconscionable.

I assume strip plazas and individually owned or leased premises on separate properties are the two basic areas where mobile signs are in the greatest use-after you remove all of the illegally placed signs. I would offer the following suggestions for individual sites.

1) The business that is being operated on a particular site must own the mobile sign (purchase or lease) and be responsible for the message content. This would cover the staff concern in vandalism , which I think, is rare compared to other more glaring examples such as graffiti.

2) Only the product or service available at that site may be advertised (charities excepted). This would stop the present practice of a site receiving a free sign and use of one side, if the other side is used for paid advertising solicited elsewhere in the city (which site may be overloaded with one or more mobile signs)

I respectfully ask you to please consider the very serious impact there will be on many small businesses who have invested in their own signs and who have used these signs in a responsible manner for many years to promote only their own business, by the passing of this very onerous and unfair by-law.

I apologize for the wordiness but this is extremely important to small business and its struggle to survive in very very tough economic times.

Yours truly,

Alex Hemstreet per

Alex Hemstreet
President

AH/md

copy: Alderman Henry Merling

2c)

May 24, 1996

Don Drury, Chairman
Planning and Development Committee
Hamilton City Hall
Hamilton, Ontario

Dear Chairman Don; Re: Sign Regulation Bylaw

With reference to the printed article in the Hamilton Spectator under date of May 23, page D2, regarding the above matter, I for one concur with your stand that something should be done to remove the blight of so many portable signs from the streets in our community. Our main commercial streets become very tacky and unappealing not only to visitors to the city but to all residents as well. Something must be done.

May I refer you to the Borough of Scarborough where this matter was dealt with in a very fine manner. That municipality passed a bylaw many years ago which eliminated all such signs from its streets. I would suggest that a request be made to Scarborough for a copy of that bylaw to be faxed to your office in order to have it for reference in drafting up any proposed changes to the bylaw for Hamilton streets.

I trust your committee will make the necessary changes to the bylaw that will be of the greatest benefit to ALL of the residents of this fair city. We want to be proud of our city streets -- streets that are not inundated with portable signs that make our city look cluttered with a poor esthetic value.

Should the committee in its wisdom not recommend a complete removal of all portable signs on our streets, which would be my personal preference, then perhaps it could consider allowing such signs to be placed only in front of businesses located immediately adjacent to them. At present some stores, such as Fortinos Grocery Stores and Mountain Mazda Motors have some portable signs placed many kilometers distant from their premises which adds to the blight of our community.

I trust your committee will come up with the right solution for our beautiful city once it has considered all of the options open to it insofar as making the right recommendation to our city council.

Very truly yours,

James Managhan

James E Managhan
574-6374

601, 75 Wendover Drive
Hamilton, Ont. L9C 2S7

201

125 Mount Pleasant Drive,
Hamilton, Ontario. L8W 3H1.

27 May 1996.

Mr. Don Drury.
Committee Chairman.
Planning & Development Committee.
City Hall.
71 Main Street West,
Hamilton, Ontario. L8P 4Y5.

.

Dear Mr. Drury:

On 29 February 1996, I wrote to the Regional Chairman, Terry Cooke, and a part of my letter dealt with the increasing problem of road signs. In his reply, Mr. Cooke said that he would forward a copy of my letter to the departments concerned. As you were not included in his list, the following paragraph is a copy of my comments on road signs.

There seems to be a proliferation of advertising signs, especially in the Upper James and Rymal Road areas. Quite apart from being distracting to motorists, they are so numerous that we could easily compete with the ugliness in some American towns. May I suggest that, if there is any justification of user fees, there should be a fee for every sign. This would serve the double purpose of creating revenue for the region and possibly reduce the number of signs used. There should also be restrictions on the size and location of signs. Some are placed dangerously near the road and, as in the case of one sign on Mall Road at the exit from a strip mall, cause an obstruction to a driver's view of traffic on Mall Road. In the case of real estate "For Sale" signs, the fee could be assessed for the average yearly use by various companies rather than on individual signs.

I was pleased to read in the Spectator that your committee is addressing this problem. Somebody is doing a super selling job on fluorescent signs and will, no doubt, register complaints on any limitations but there must be some major reduction in their use as they are unsightly and cheapen the appearance of our city. I certainly agree with the aims of the proposed bylaw although I feel that the size should be restricted to thirty square feet.

Since my letter to Mr. Cooke many more signs have been erected and I sincerely hope that your committee will be able to overcome this problem in the immediate future.

Yours truly,

Fred Strugnell

221

Westdale OPTICAL Boutique

May 22, 1996

Mr. Don Drury
Alderman,
City Hall

Dear Mr. Drury,

I am writing in regards to the explosion in the number of portable or semi-portable signs in the Westdale Village area. My concerns are as follows: the signs are very dangerous to children and in fact, adults as they can not be seen crossing the road as the large signs are between the sidewalk and the road. It is not enough to say that there are crosswalks, since the reality is that people in the village rarely use them. When I phoned and alerted the city a few months ago I made them aware of this and also the fact that Cottage Florist has a sign with an arrow that is at eye level hanging over the sidewalk.

To date nothing has been done. These signs are cosmetically offensive and degrade the overall appearance of the village. The signs often obstruct car doors at the parking meters. The signs take away from expensive window displays as they diminish visibility to the store fronts. There should be some specific rules regarding the positioning and size of the signs and none should be permitted between the road and sidewalks. Personally, I am in favour of no portable signs anywhere.

Yours truly,

James McLean
Proprietor
Westdale Optical Boutique

Stephanie McLean
Proprietor
Je Ne Sais Quoi

1050 King Street West, Hamilton, Ontario L8S 1L6
(905) 525-0788

EYEMARK SIGNS
MOBILE SIGN RENTALS
940 5TH CONC. WEST RR# 2
WATERDOWN, ON L0R 2H2
905-659-0943

Copies forwarded to Planning Dept. and Law Dept. - June 11/96

2f)

June 8, 1996

City of Hamilton
City Clerks Dept.
71 Main St. W.
Hamilton On

Atten: Tina Agnello

Dear Madam

Re: Draft By-law to regulate Mobile Signs

After review of the first draft of the proposed Mobile Sign by-laws,I feel it is important that I voice my concerns.

First I would like to say how important the Mobile Sign is to small business in the Hamilton area. To many small businesses the Mobile Sign is the only effective form of advertising they can afford. News papers are very expensive and they end up paying to advertise throughout the entire city when their target market may only be a small portion. eg; sub shops, tanning parlors, etc. Flyers are costly, usually don't get read and always end up in the trash which contributes to waste removal and dipsosal costs and of course are not environmentally freindly.

I agree something needs to be done in the city of Hamilton to clean-up the Mobile Sign mess, but I feel the proposed by-laws are far to restrictive and will financially harm many small businesses in Hamilton.

The following are some suggestions I think would address your major concerns surrounding the mobile sign problem.

1 - The Hamilton area has a very high percentage of third party advertising (approx. 30%) which if eliminated would cut the sign population by 1/3rd and would also stop the dumping of signs on vacant lots and city propety.

2- By limiting each business to 6 months per year on a 60 day up, 30 day down basis you would again eliminate another third and also get rid of abandoned and neglected signs with dated messages further cleaning up the city.

3- By limiting the distance between signs in strip-malls to 100 ft. you would eliminate you're final eyesore.

One major problem I see in the by-law draft are the proposed restrictions 14(q) to 14(w). These would limit the use of the sign only to large businesses on large properties which again would be unfair to the little guy. A possible solution might be a clause that states the sign cannot impede the safe sightline of vehicular traffic.

A second important restriction I think should be addressed, is 13(j). This limits the size of a Mobile Sign to approx. 40 sq.ft. Many sign companies in Hamilton use a 60 sq.ft. sign so imposing a smaller size limit would prove very costly for these businesses, forcing them to reinvest in all new equipment and to take a substancial loss in the disposal of non-conforming equipment. I think a 60 - 70 sq.ft. limit would be a more fair solution.

In regards to the clerical end of the by-law I feel that there should be a Mobile Sign Operaters Permit made applicable to mobile sign businesses operating in Hamilton. This would allow the city to;-accept permit applications by fax.
-have accounts for sign operators that could be paid monthly or bi-monthly.

This would eliminate long lines at the door and the processing of hundreds of checks per month. This would also allow the city to suspend an operators permit if accounts go unpaid as well as saving the operators time and expense making the sign cheaper for the customer.

In conclusion, I believe that if the city was to follow a much more relaxed version of the by-law draft it would still receive the great improvement in mobile sign clean up it desires without irreparably damaging both the small business and the mobile sign operators in Hamilton. If there are concerns that new restrictions do not go far enough the city could schedule a meeting to be held in 6 or 9 months to review the by-laws effect and/or futher amend them.

For your information I have gathered basic statistics on by-laws of neighbouring and not so neighbouring cities with similar populations, business districts and income levels.

City	Max. time allowed	Distance at malls	Permit fees
Kitchener	6 mth / year	150'	$40 / mth
Waterloo	3 mth / year	164'	$35 / mth
Cambridge	6 mth / year	100'	$35 / mth
London	6 mth / year	100'	$17.50 / mth
Calgary	60 days up / 30 days down		$15 / mth
Winnipeg	90 days up / 30 days down		$30 / mth

Thank you for your attention in this matter.

I look forward to seeing you at the upcoming meeting on July 3rd.

Yours truly



John Schouten
Owner

29)

City of Hamilton
71 Main St. West,
Hamilton, On
Planning and Development Department
Attention: Ms. Tina Agnello

Dear Ms. Agnello

With regards to the proposal for mobile sign regulation may we offer our comments? We feel that some controls are required and agree with most of the draft, except for the duration of the sign rental. Communities with six or seven month duration periods have seen the benifit to the communities as well as the business sector. Too restrictive a time period will not only hurt the businesses but will also require more man hours to control these regulations. Our statistics indicate that most businessess require continuous advertising to attract potential customers and that "mobile signs" are a very good method **if** the signs meet safety and quality standards.
We at Magnetsigns would like to introduce ourselves to your community and to suggest alternatives to mobile signs as we know them. The three main problems common with mobile signs have been addressed by our company. These include:

A - Safety
Poor quality i.e. loose boards, bent and broken frames and legs, plastic damage beyond repair, and substandard electrical attachments. Pedestrians could be at risk with these types of signs.

B- Visial Pollution
Possible problems could include peeling paint, rust, spray painted boards with faded and missing text and letters, sign not leveled properly ect.

C- Quality and Effectiveness

The shop owner or manager has invested money in mobile signs hoping that motorists can read their sign as they pass. At Magnetsigns, we have created an alternative to the traditional mobile signs that satisfies these three concerns. We have submitted samples of our new line of graphic design signs for your consideration. If you would like more information please contact me at (519) 448- 4511. Fax : (519) 448-4512

Doug Hughes
President, Magnestsigns Ontario South

SAMPLES

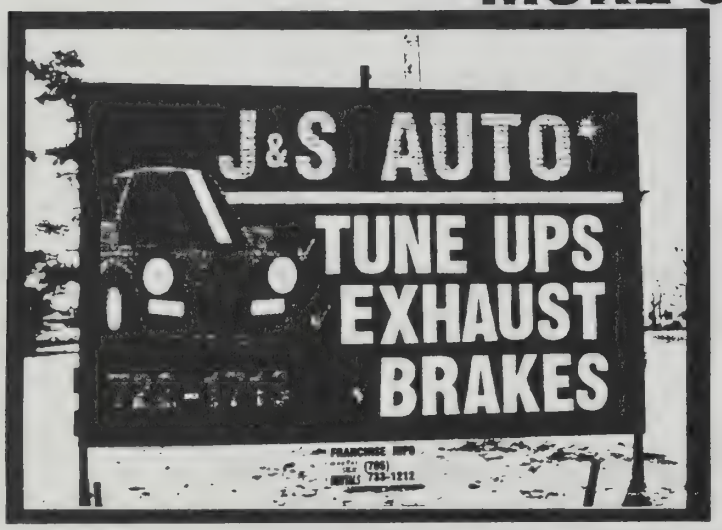
BEFORE



AFTER



MORE SAMPLES









magnet™ SIGNS

City of Hamilton
71 Main St. West,
Hamilton, On
L8N 3T4
Planning and Development Department
Attention: Mrs. Tina Agnello

24)

Ad-Vantage Signs Ltd.

5200 SOUTH SERVICE ROAD, UNIT 27
BURLINGTON, ONTARIO L7L 6A5

Tel: HAM. 574-2555
BURL 634-6811.
Fax: BURL. 634-5422.

FAX TRANSMISSION

DATE: June 7/96

FAX NUMBER 546-2095

COMPANY

ATTENTION Tina Agnello

FROM Don McPhail

OF PAGES 2

If you do not receive the above # of pages including this cover page, please call (905) 574-2555 (905) 634-6811 Fax: (905) 634-5422
Reply Requested YES NO

Ad-Vantage Signs

914848 Ontario Limited

5100 SOUTH SERVICE ROAD, UNIT 27, BURLINGTON, ONTARIO L7L 6A5
Tel: HAM. (905) 574-2555 BURL. (905) 634-6811 Fax: BURL. (905) 634-5422

June 7, 1996

City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Mayor and Members of Council:

The intent of the new sign by-law is to control safety and esthetics on our streetscape.

I respectfully submit that a permit system of two week increments be implemented at a cost of $25 per permit, and that a distance separation of 100' between signs be established.

The permit system should be on going 365 days per year, ie. City of Brampton.

The content of the sign message should not be of concern if the sign meets all permit requirements.

The sign size should not exceed 50 square feet and an individual letter size should not exceed 12 inches.

No sign should be permitted on the public road allowance.

The City of Hamilton could conservatively generate $250,000 in revenues annually and still maintain its goal of an uncluttered and safe streetscape.

Yours truly

Don McPhail

21)

FITNESS EQUIPMENT CORP.

Total Life

June 5, 1996

City Clerks Department
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attn: Tina Agnello

Dear Tina,

It has come to my attention that the city is proposing some major restrictions on the use of Mobile Signs. It is my personal and professional opinion that these regulations will have a negative impact on both the business and the private sector.

Mobile signs provide businesses with an effective and economical mean of advertising. They also easily meet a business' temporary & fluctuating advertising requirements. For businesses with minimal exposure from roadways, Mobile Signs are a simple and cost effective tool to attract and direct customers to their location.

Implementing the proposed restrictions on Mobile Signs would also hinder the livelihood of those who supply them. In such troubled economic times, our city must endeavor to support that which keeps people from being unemployed.

I do not believe that any problems and/or complaints will be solved by limiting the amount of time per year that a business would be able to use Mobile Sign Advertising. My concern would lie only with the placement and position of the sign itself, although I have yet to see a Mobile Sign in use anywhere that has obstructed anyone's view beyond a safe limit. Displayed below are pictures and locations of Mobile Signs in Hamilton that are currently being used by small businesses. At present, these signs do not appear to cause any harm in their current position. However, these signs would be in direct contravention if your restrictions are implemented.

HEAD OFFICE 1205 Rymal Road E., Hamilton, Ontario L8W 3M9 (905) 574-5255 1-800-267-0190 Fax (905) 574-6654

As a small business owner and a member of the general public, I can attest that Mobile Sign Advertising does attract customers and increase business. I urge you to reconsider the restrictions you are proposing. I strongly believe that in attempts to satisfy a handful of complaints, your restrictions will simply assist the demise of so many struggling businesses today.

I appreciate your time and consideration.

Sincerely,

Marty Gillott
President
Total Life Fitness

HEAD OFFICE 1205 Rymal Road E., Hamilton, Ontario L8W 3M9 (905) 574-5255 1-800-267-0190 Fax (905) 574-6654



RYMAL RD EAST @ NEBO RD
NORTH WEST CORNER



UPPER OTTAWA ST SOUTH
SUPERFRESH PLAZA



UPPER OTTAWA @ STONECHURCH RD
NORTH EAST CORNER

HEAD OFFICE 1205 Rymal Road E., Hamilton, Ontario L8W 3M9 (905) 574-5255 1-800-267-0190 Fax (905) 574-6654

2j)

Simon Ise 1888-Rent-Signs
(905) 385-8414

As a sign rental company owner, it is my belief that we have a problem within the City of Hamilton, in regards to mobile signs. I believe the city is becoming unsightly because of the uncontrolled sign usage. I also believe that the signs used to attract businesses are made less useful because of the cluttered look of the urban landscape. It is because of this that I support by-law restrictions on their use; however I think that some of the proposed parts of the by-law are not fair to the businesses of this community that do business here, hire staff and pay business taxes. It is therefore, my intention to offer some suggestions on changes to the draft.

It is key, in my opinion, to consider the main reasons that a by-law might have been first proposed:
*too many signs on a property

*signs in disrepair and unsightly

*home-made signs -> signs on van etc.

*monster signs

*signs obstructing pedestrians and drivers

The next issue we might consider is some problems with the proposed by-law:
*application too detailed

*1 sign per property

*30 days between signs

*property owner involvement

*4-15 day periods per property

*applications should be pre-booked

*8 x 5 max sign face

*sign company name and telephone number on sign

*third party advertising

*sign location should be more liberal

*message board locking devices.

*all restrictions should apply to the city

*non-compliance

Now keeping in mind the problems we are trying to solve and some of the more harsh portions of the draft. May I propose the following changes:
*applications should be simple and be accepted by fax. Permit fees should be accepted in advance and kept on deposit. Fee's should not be a cash cow for the city, but only pay for the administration of the by-law $ per day of permit should cover this.

*the number of signs per property should be determined by the total amount of roadside frontage. We believe that at least 15m be allowed between signs.

*each tenant should have 8-21 day permits per year and that 21 days should elapse between permits issued to a tenant. If application for permits run back to back, the sign (if owned by the same sign company) should be relocated on the property where possible. Special consideration should be made between November 15 and December 23 so that fairness is considered

*property owner involvement should be avoided to deter kick backs

*applications should be allowed to be pre-booked from Jan 2 - November 14

*imperial measurements should be used when considering overall sign face. We suggest 8 x 5 max face 8' max height

*phone number only should be allowed to identify sign companies

*we believe third party advertising should not matter as long as all other by-law items are met

*sign location should only be restricted if the location blocks the view of drivers or pedestrians

*most message board locking devices make the sign more unsightly

*if a sign is erected in a location that does not consider 14 q-w the by-law enforcer should first call the sign owner for re-location before any other measures are taken

Other suggestions:
*if a tenant does not use mobile signs other tenants should be allowed to purchase permits

*the total number of signs per property should be allowed to be erected in December and arrangements made between tenants to ensure each tenant has the same amount of time on the signage

*A log should be kept by address to track the number of permits per tenant

*it is important to note that some of the businesses in the city cannot afford any other type of advertising. My clients have told me that they find this kind of advertising is working for them. I believe that the proposed changes that I have put forth will make the sign even more effective for businesses that use them. I also believe these changes to be more in the middle of where we are now and where you propose we be. In these uncertain times which we are in, it is important to help small businesses to survive and pay their taxes and strike a balance with the overall community.

3.

OFFICE OF THE CITY CLERK

MEMORANDUM

****

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

FROM: J. J. Schatz
City Clerk

OUR FILE:
PHONE: 546-2727

SUBJECT: **Roof Leaders - Land Drainage By-law**

DATE: 1996 June 27

Council at its meeting of 1996 June 25 referred back Item 6 of the Tenth Report of the Planning and Development Committee as amended as follows:

(a) That the City Solicitor be authorized and directed to amend Section 6 of the Land Drainage By-law No. 80-245, as amended, to include items (i) to (v) inclusive as follows:

(i) Where a site design is prepared by a Professional Engineer and includes a Stormwater Management Study, and the design is acceptable to the City Engineer, and approved by the City after 1996 June 25, roof leaders may be discharged to the ground surface; and,

(ii) Where a Stormwater Management Study has been approved for a development, the recommendations in the study must be implemented; and,

(iii) Where roof leaders are not required to be connected to the storm sewer, the roof water shall discharge onto splashpads and then onto grassed and/or landscaped areas at least 0.6 metres from the building face; and,

(iv) The areas of the lot required to be sodded, must be sodded prior to the issuance of a grading certificate; and,

(v) Roof Leaders shall not discharge directly onto a sidewalk or driveway; and,

(b) That the Building Commissioner be authorized and directed to prepare a report to make revisions to the Property Standards By-law No. 94-185, as required, to eliminate any inconsistencies with the recommendations in this report; and,

(c) That the City request that the Region be directed to further review the Ministry of Environment and Energy "Stormwater Management Practices Planning and Design Manual, 1994 June" to develop specific stormwater management policies and lot grading guidelines for use within the City of Hamilton.

REFERRED BACK WITH THE FOLLOWING INSTRUCTIONS:

That the Conservation Authority, Hamilton Home Builders Association and the Regional Environmental Services Department be invited to the next meeting of the Planning and Development Committee.

c.c. J. Thoms, Commissioner of Regional Environment
L. King, Building Commissioner

URBAN\MUNICIPAL
CA4 ON HBL A05
C51P4
1996

URBAN MUNICIPAL

AUG 22 1996

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 August 21
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 95-01, by Chambers Group, owner, for a change in zoning from "AA" District to "C" District modified for lands located at the rear of 1170 - 1180 Upper James Street.

   Submissions: a) Karen Daniels, Ministry of Citizenship , Culture and Recreation (no comment)
   b) Harper and Patricia Ronalds, 831 West 5th St., Hamilton (in support)

2. Zoning Application 96-08, by 712169 Ontario Ltd. (Gino Malatesta), owner, for a change in zoning from "C" District to "RT-20" District, for lands location at 1232 Upper Gage Avenue.

   Submissions: a) Karen Daniels, Ministry of Citizenship , Culture and Recreation (no comment)
   b) Mrs. Bev Davies, 308 Rexford Drive, Hamilton (in opposition)

Urban Municipal Collection
2nd Floor
Hamilton Public Library

3. Zoning Application 96-09, from Hamilton Habitat for Humanity, owner, for a change in zoning for Block "1" from "AA" District to "R-4" District and Block "2" from "AA" District to "R-4"-'H' District for property located at 607 Queen Victoria Drive.

   a) Submission: Karen Daniels, Ministry of Citizenship , Culture and Recreation (no comment)

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Zoning Application 95-04, by Gus and Mike Holdings Ltd., owner, for a change in zoning from "AA" District to "C" District, for lands located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street.

   a) Submission: Karen Daniels, Ministry of Citizenship , Culture and Recreation (no comment)

5. Zoning Application 95-12 and Subdivision Application No. SAC-95-02, from Ontario Realty Corporation, owner, for lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive.

   a) Submission: Karen Daniels, Ministry of Citizenship , Culture and Recreation (no comment)

6. **DIRECTOR OF PLANNING AND DEVELOPMENT**

   a) Application No. SAC-95-06 (Regional File No. 25T-95007), Proposed Draft Plan of Subdivision "Westview Estates", on lands located north of Rymal Road between Garth Street and West 5th Street in the Sheldon Neighbourhood.

   b) Site Plan Control Application DA-96-12 for a Tim Hortons Double Drive-Thru in Conjunction with the existing Harvey's at 620 King Street West.

   c) i) Comments on "Tenant Protection Legislation - New Directions for Discussion".
      ii) Delegations: Andrea Horwath, Social Housing & Access Committee
      : Fair Rental Policy Organization of Ontario

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 August 21

7. BUILDING COMMISSIONER

a) 33 Clifford Street - Application for a Demolition Permit

b) 73 Holmes Avenue -- Application for a Demolition Permit

8. DELEGATION

Andy Costelli, Ridge-way Contracting Limited -
Request for Exemption of Site Plan Agreement

9. CITY SOLICITOR

Lot Grading and Roof Leaders

10. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Acquisition of the Canadian National Railway Land abutting Ferguson Avenue

11. CORRESPONDENCE

Anglican Church of Canada RE: Sale of St. Thomas Church, West Avenue and MAin Street East, Hamilton

12. CONSENT AGENDA

13. PRIVATE AND CONFIDENTIAL AGENDA

14. OTHER BUSINESS

15. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE

OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	Mayor's Task Force on Downtown Issues	1994 April 16	Various Departments	Reports forthcoming to Committee.
2.	Site Plan Control Application DA-92-13, 95 Mary Street	1994 June 22	Staff and Applicant to determine acceptable option	Tabled
3.	ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance	1994 July 20	O.M.B.	Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Ave.
4.	ZA-94-11, Ray Gordon Smith, 1500 and 1502 Main Street East	1994 August 24	Staff, applicant and residents to resolve concerns	Tabled - to be recirculatized if application is modified
5.	Roof Leader Bylaw	1995 July 5	Roads and Building Departments	Referred back from Council
6.	ZA-94-30, 336-338 King St. W. Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
7.	ZAC-94-19, lands between Scenic Dr. and Chedmac Dr., west of Rice Ave	1995 August 23		Tabled at the request of the applicant
8.	Demolition - 33 Clifford Street	1996 May 8	Tabled	Pending submission of building plans
9.	Downtown Redevelopment	1996 May 22	Referred to staff for report	Planning and Building Department staff to prepare report
10.	Zoning Requirements for Gambling Locations	1996 May 22	Referred to staff for report	Planning and Building Department staff to prepare report
11.	Demolition- 150 Ivon Avenue	1996 June 19	Tabled	Tabled
12.	Rehabilitation Loan Programs	1996 June 25 (Council)	Review to be conducted by staff	Recommendation from Building Commissioner to Cttee by 1996 Nov 1
13.	Mobile Sign By-law	1996 July 3	Committee to be struck composed of staff and members of the mobile sign industry	To report back in one year (i.e. by July 3 1997)
14.	Report regarding bringing responsibility for administration of Subdivisions, Condominium Control and PArt Lot Control to the City from the Region	1996 July 3	Building Commissioner to Draft Report	Report Forthcoming

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1996 August 12
ZAR-95-01
Kernighan Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - lands located at the rear of 1170 - 1180 Upper James Street.

RECOMMENDATION:

(a) That approval be given to amended Zoning Application 95-01, Chambers Group, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Blocks "1" and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District - modified for Blocks "2" & "3", for lands located at the rear of 1170 - 1180 Upper James Street, shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of Blocks "1" & "3" until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth and the holding provision will prohibit the development of Block "2" until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth and a landscape plan has been submitted and approved by the Director of Planning and Development Department.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law, by enactment of an amending By-law once these conditions are fulfilled;

(ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;

(iii) That Blocks "2" & "3" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;

(iv) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:

1) That notwithstanding Section 9.(3)(ii), a side yard of a width of not less than 2.4 m shall be provided and maintained along the entire southerly lot line of Block "2";

2) That a landscape area not less than 2.4 m in width shall be provided and maintained along the entire southerly boundary of Block "2", where the lot adjoins a commercial district;

3) That notwithstanding Section 9. of Zoning By-law No. 6593, only a 4.52 m planting strip, shall be permitted on Block "3";

(v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map W-9B be notated S- ;

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,

(vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(viii) That the approved Kernighan Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double Residential" upon finalization of the implementing By-law.

(b) That Site Plan Control By-Law No. 79-275 as amended by By-Law No. 87-223 be amended by adding Block "3" of the subject lands to Schedule "A".

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for property located at the rear of 1170 - 1180 Upper James Street, as shown on the attached key map, on the following basis:

Block "1"	-	From "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District;
Blocks "2" & "3"	-	From "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District - modified.

The effect of the By-law is to permit the future development of the lands for six (6) Single-Family Dwelling fronting onto the future neighbourhood road (Blocks "1" & "2") and a planting strip (i.e. buffer) in conjunction with the commercial lands fronting onto Upper James Street (Block "3"). In addition, the By-law provides for the following variances as special requirements:

- requires a side yard of a width of not less than 2.4 m in width along the entire southerly lot line of Block "2" whereas 1.2 m is required;

- requires a landscape area not less than 2.4 m in width along the entire southerly boundary of Block "2" where the lot adjoins a commercial district;

The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of Blocks "1", "2" & "3" until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth and the holding provision will also prohibit the development of Block "2" until a landscape plan, as part of the plan of subdivision, has been submitted and approved by the Director of Planning and Development Department.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law by enactment of an amending By-law once these conditions are fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

- Proposal

  It is the applicant's intention to change the zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the rear portion of lands located at

  1170 - 1180 Upper James Street to permit the future development of the lands for six (6) Single-Family Dwelling fronting onto the future neighbourhood road.

- Background - Official Plan Amendment No. 75 and Zoning Application 88-109

  In 1989 Council adopted Official Plan Amendment No. 75 which redesignated the subject lands and the adjacent lands to the south from "Residential" to "Commercial", in accordance with the approved Kernighan Neighbourhood Plan.

  The Planning and Development Committee, and City Council at their meetings of April 12, 1989, and April 25, 1989, respectively, **approved** Zoning Application 89-77, by John Bear Pontiac Buick, owner, requesting a change in zoning from "AA" (Agricultural District to "G-3" (Public Parking Lots) District, for a vehicle storage area used in conjunction with the adjoining dealership fronting onto Upper James Street, for property located at the rear of 1200 Upper James Street. City Council adopted Zoning By-law No. 94-179 on October 25, 1994.

  OPA No. 75 and By-law 94-179 has subsequently been appealed to the Ontario Municipal Board. The appeal by the Chambers Group, which focused on the provision and placement of a landscaped planting strip as per the neighbourhood plan has been resolved through mediation to the satisfaction of John Bear Pontiac Buick Cadillac Ltd. and the Chambers Group and will be ordered by the Ontario Municipal Board on or after August 20, 1996.

APPLICANT:

Chambers Group, owner.

LOT SIZE AND AREA:

The subject lands are part of a larger parcel of land fronting onto Upper James Street. The subject lands have:

- 73.152 m (240 ft.) of lot width;
- 43.0 m (141.08 ft.) of lot depth; and
- 3,145 m^2 (34,935 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant	"AA" (Agricultural) District

to the south	Commercial	"AA" (Agricultural) District (Zoning has been changed to "G-3" (Public Parking Lots) District, but has been appealed to the O.M.B.)
to the east	Parking Area	"G-3" (Public Parking Lots) District, pending finalization of By-law 94-179
to the west	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated **"RESIDENTIAL"** on Schedule "A" - Land Use Concept of the Official Plan. The following policies, amongst others, should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas, and as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;"

The proposal complies with the intent of the Official Plan. However, it should be noted that the subject lands are affected by Official Plan Amendment No. 75. The purpose of this amendment is to redesignate the lands to the south together with the subject lands from "Residential" to "Commercial", and to extend "SPECIAL POLICY AREA 31".

If, the subject lands are redesignated to "Commercial", SPECIAL POLICY AREA 31 is extended and based on policy A.2.2.1, the proposal will conform with the Official Plan once the Neighbourhood Plan is amended to redesignate the subject lands from "Commercial" to "Single

and Double". In addition, an Official Plan and/or Housekeeping Amendment will be required to remove the subject lands from SPECIAL POLICY AREA 31.

"A.2.2.1 The primary uses permitted in areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;"

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Kernighan Neighbourhood. The proposal does not comply with the Plan.

Prior to the approval of the Kernighan Neighbourhood Plan, the subject lands, together with the lands to the south (the John Bear Dealership), were designated "Single and Double Residential" with a proposed landscape strip abutting the commercially designated lands fronting on Upper James Street.

A request was made by the Dealership to extend the "Commercial" designation on their lands to the proposed interior roadway on the basis that the proposed roadway itself would provide an adequate buffer between the residential and commercial uses. It was agreed that any extension of the "Commercial" designation should include the lands to the north i.e. the rear portion of 1170 and 1180 Upper James Street. The proposed Kernighan Neighbourhood Plan was approved with the entire "Commercial" designation extended to the proposed interior roadway.

If approved a redesignation would be required from "Commercial" to "Single and Double Residential".

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - Hamilton Region Conservation Authority;
  - Department of Public Works and Traffic;
  - Building Department; and,
  - Regional Planning Branch.

- The Regional Environment Department has advised that:

"There are no public watermains or sewers available to service the subject lands. Servicing of these lands will have to await development through private lands to the west."

The following comments have been received from the Region's Transportation Department, Roads Division:

(1) The designated road allowance width of Upper James Street is 36.58 m. We do not anticipate any further road allowance widenings at this time.

(2) We have reviewed the lotting plan submitted by the applicant and cannot support any lotting arrangement until such time as an overall conceptual plan or draft plan of subdivision is submitted indicating how these lands will be developed in conjunction with adjacent lands. The neighbourhood plan also indicates a horizontal curve on the proposed internal street at the northern end of lands to be rezoned. At such time as the plans are submitted we will ensure that the roadway geometrics conform to our geometric design standards for neighbourhood streets.

We recommend that the lands to be rezoned be developed through a satisfactory plan of subdivision."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal conflicts with approved Kernighan Neighbourhood which designates the subject lands "Commercial". If approved a redesignation would be required from "Commercial" to "Single and Double Residential".

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan;

   ii) it would be compatible with existing and future planned development in this area;

   iii) the proposed "C" (Urban Protected Residential, etc.) District is compatible with future planned development for the area; and,

   iv) any potential negative spill over effects from the adjacent commercial lands (eg. noise, headlight glare and sign illumination) will be mitigated by the planting strip (Block "3") and the landscaped area along and southerly boundary of Block "2".

4. The approved Kernighan Neighbourhood Plan requires a 9.14 m (30 ft.) landscaped strip on the subject lands next to the future neighbourhood road. However, given the proposed residential lots fronting the future neighbourhood road, this would require shifting the planting strip to the westerly and southerly boundary lines of the subject lands.

   The planting strip along westerly lot line (i.e. Block "3") is proposed at 4.52 m (14.8') and will be added to the existing 1.5 m (5.0') planting strip associated with the commercial development fronting Upper James Street and further reviewed under of Site Plan Control, as recommended.

   In addition, the By-law provides for the following variances as special requirements:

   - requires a side yard of a width of not less than 2.4 m in width along the entire southerly lot line of Block "2" whereas the By-law requires 1.2;

   - requires a landscape area not less than 2.4 m in width along the entire southerly boundary of Block "2" where the lot adjoins a commercial district;

   Pending the finalization of By-law 94-179, a similar landscape area is required on the lands to the south. Consequently, a 4.8 m (16.0') planting strip would be achieved between the proposed residential lands and existing commercially designated lands (i.e. Zoning Application 88-109).

   The above-mentioned planting strip and landscape area can be supported since it is in keeping with the requirements of a 3.0 (10.0 ft) to 6.0 m (20.0') planting strip typically achieve at the interface of commercial and residential uses within the Mountain Neighbourhoods (i.e. Ryckmans, Falkirk East, etc.). It should be noted that should the lands to the south be rezoned for a similar residential use in the future then the 2.4 m landscape requirement would no longer be applicable.

5. With respect to Regional Environment Department comments, the amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of Blocks "1", "2" & "3" until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth. During the approval of a Plan of Subdivision the availability of public watermains and sewers through lands to the west will be reviewed.

   In addition, in order to implement a 2.4 m landscaped planting strip along entire southerly boundary of Block "2", the holding provision is also will prohibit the development of Block "2" until a landscape plan, as part of the plan of subdivision, has been submitted and approved by the Director of Planning and Development Department.

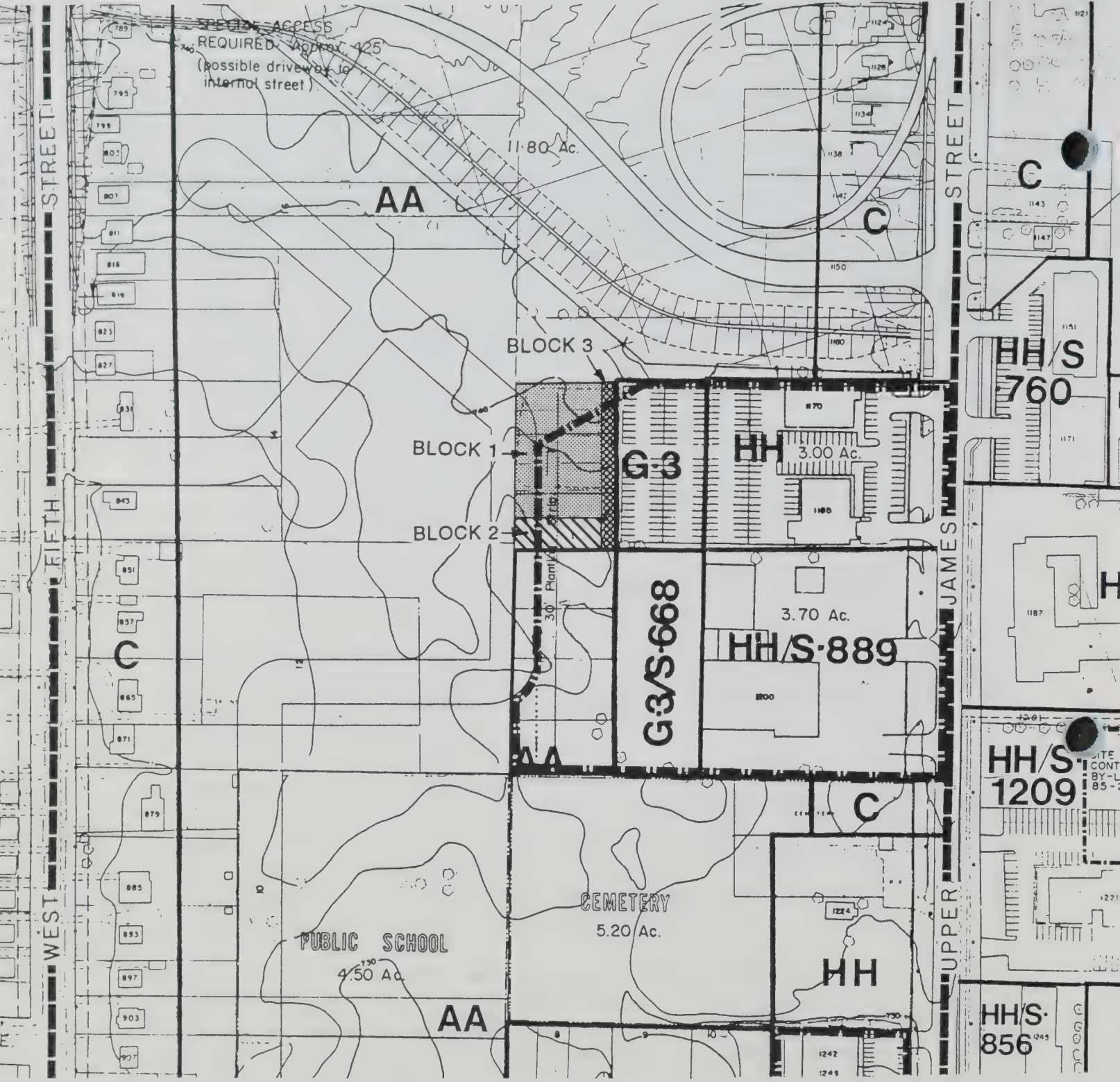
   City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law by enactment of an amending By-law once these conditions are fulfilled.

6. With respect to Block "3" of the subject lands, the "C" (Urban Protected Residential, etc.) District is not subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. In this regard, it would be appropriate to place the subject lands under Site Plan Control so that matters related to the details of planting strip (i.e. grading, fencing, plantings, etc.), in conjunction with the commercial lands to the west, can be further reviewed during the Site Plan Control process.

CONCLUSION:

Based on the foregoing, the amended application can be supported.

JL:jl
ZAC9501



Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District, to "C"-'H'"
(Urban Protected Residential, etc. - Holding) District.

BLOCK 2 — "AA" (Agricultural) District, to "C"-'H'
(Urban Protected Residential, etc. - Holding) District, Modified.

BLOCK 3 — "AA" (Agricultural) District, to "C"-'H'
(Urban Protected Residential,etc. - Holding) District, Modified.

ZAC-95-01

Copy to V. Graham & P Nicol Johnson. 8/9/96

Ministry of Citizenship, Culture and Recreation

Ministère des Affaires civiques, de la Culture et des Loisirs

Ontario

Bank of Montreal Tower
1 James Street North
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Hamilton, ON L8R 2K3

Tour de la Banque de Montréal
1 rue James nord
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August 6, 1996

AUG 08 1996

Secretary
Planning and Development Committee
Planning and Development Department
City of Hamilton
7th Floor, 71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

Re: Changes in Zoning
Planning Department File #'s: ZAC-95-01; ZAC-95-04; ZAC-95-12; ZAC-96-08; ZAC-96-09

Thank you for forwarding to me the information concerning the above noted zoning change applications.

We have reviewed this information and, from an arts, recreation and citizenship point of view, we have no comments to provide. In addition to this, the Ministry will provide comments on the impact of the proposal to heritage resources. For these comments, please contact:

Manager
Archaeology and Heritage Planning Unit
Ministry of Citizenship, Culture and Recreation
77 Bloor Street West, 2nd Floor
Toronto, Ontario
M7A 2R9

Thank you for sharing this information with the Ministry and allowing us to comment.

Yours truly,

Karen Daniels

Karen Daniels
Area Consultant

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1996 Aug 13.

16

Planning and Development Committee
The City of Hamilton
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

AUG 13 1996

August 9 1996
831 West 5th St.
Hamilton, Ontario
L9C 5R4

Dear Sir/Madam:

We are writing in response to your request for comments on the proposed re-zoning in lands located at the rear of 1170 - 1180 Upper James Street and lands located west of West 5th. Street, south of the Mountain Freeway and north of Chester Street.

We have been residents of this neighbourhood for almost thirty years and we have been anticipating development of this area for quite some time. As you are probably aware, this is a choice location on the Mountain due to its proximity to schools, shopping, recreational facilities and the soon to be completed Mountain Freeway.

Many of our neighbours are also long term residents or are retired and they, like us, are in favour of selling the rear pieces of their property for future development. In addition, the Hamilton public school board also owns land in this block and if a new school is not planned, then the added revenue generated by the sale of this land would certainly be a much needed source of relief for the school board's deficit.

This is prime land on the Mountain and the City of Hamilton is losing a great deal of tax revenue by allowing it to sit empty, zoned agricultural and un-developed. We are greatly in favour of this re-zoning and any future re-zoning which would allow for the future construction of single family dwellings.

Sincerely,

Harper R. Ronalds

Harper R. Ronalds

Patricia M. Ronalds

Patricia M. Ronalds

2.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1996 August 9
ZAC-96-08
Randall Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - No. 1232 Upper Gage Avenue

RECOMMENDATION:

That Zoning Application ZAC-96-08, 712169 Ontario Limited (G. Malatesta), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, to permit development for townhouse dwellings, for lands located at No. 1232 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", be **DENIED** on the following basis:

(i) Approval of the application is premature pending consolidation of the subject lands with the adjoining lands to the south (No. 1238 Upper Gage Avenue and the front portion of No. 1244 Upper Gage Avenue) in order that these lands can be developed on a comprehensive basis.

V. J. Abraham

J. Pavelka
A/C CAO

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The request is for a rezoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, to permit development of the subject lands for eight condominium townhouse dwelling units (see APPENDIX "B"). In addition, the applicant has submitted an alternative development proposal for consideration. The alternative, which proposed development for three small lot single-family detached dwellings on a private road (see APPENDIX "C"), would require a rezoning to "R-4" (Small Lot Single-Family Dwellings) District, modified. This alternative was circulated for comment, however, the application was not formally amended to reflect this proposal.

- Rezoning Application ZAC-95-22

  On September 26, 1995, Council denied a similar application for rezoning at 1232 Upper Gage Avenue. The request was for a rezoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, to permit development for ten townhouse dwelling units (2 blocks of 5), for lands located at the front of No. 1232 Upper Gage Avenue. The property at 1232 Upper Gage Avenue has a depth ranging from 108.25 m to 129.07 m, and the block proposed for townhouse development, under ZAC-95-22, had an average depth of 80.14 m. The current proposal includes eight units, rather than ten, since the townhouse block has been reduced to an average depth of 69.305 m.

- Land Severance Applications H-61-95 and H-62-95

  On June 27, 1995, the Regional Land Division Committee approved applications H-61-95 and H-62-95, to sever the subject lands from the rear portion of 1232 Upper Gage Avenue. The rear portion of 1232 Upper Gage Avenue, was further severed into three separate single-family building lots, fronting onto Rexford Drive. It is noted that the new three single-family dwelling lots did not include the full depth of the "Single and Double" Residential designation in the Approved Neighbourhood Plan. The remaining remnant block of "Single and Double" designated lands are, therefore, included in the current proposal for townhouse development (see APPENDIX "D").

APPLICANT:

712169 Ontario Limited (G. Malatesta), owner.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- a frontage of 30.48 m (100 ft.);

- a depth ranging from 58.87 m (193.14 ft.) to 79.74 m (261.61 ft.), after road widening dedication; and,
- a lot area of 2,114.05 m^2 (22,756.19 sq. ft.), after road widening dedication.

LAND USE AND ZONING:

	Existing Land Uses	Existing Zoning
Subject Lands	Single-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	Townhouse dwellings	"RT-10" (Townhouse) District, modified
to the east	Townhouse dwellings	"E-2" (Multiple Dwellings) District, modified
to the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Proposed single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated RESIDENTIAL on Schedule 'A' - Land Use Concept of the Official Plan:

> "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The front portion of the subject lands are designated "ATTACHED HOUSING" by the Approved Randall Neighbourhood Plan. The rear of the subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL". Therefore, a redesignation from "SINGLE AND DOUBLE

RESIDENTIAL" to "ATTACHED HOUSING" would be required for the rear portion of the lands.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advise they have no objection.

- The Building Department verbally advises that there is a minor discrepancy with regard to the site data submitted, which would have to be clarified. Otherwise, they have no comment.

- The Regional Environment Department advises:

  "There are public watermains and separate storm and sanitary sewers available on Upper Gage Avenue to service the subject lands.

  The following comments have been received from the Region's Transportation Department, Roads Division.

  We have reviewed the above application and submit the following comments:

  (1) The designated road allowance width of Upper Gage Avenue is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 18.29 m from the centreline of Upper Gage Avenue. According to our records this road widening adjacent to Upper Gage Avenue is 3.048 m in width.

  (2) As was noted in our previous comments on Zoning Application 95-22 and Land Severance Applications H-61-95 and H-62-95, we recommend that these lands be developed in conjunction with the two remaining properties to the south for attached housing. This will require a land assembly by the applicant to include these properties but will then provide for a comprehensive development in which shared access, on-site circulation, etc. can be provided for all three properties.

  (3) We recommend that the subject lands be developed through site plan control at which time more detailed comments on grading, landscaping, access location, etc. will be provided.

  With respect to the preliminary sketch submitted we provide the following comments:

  i) We require 5 m by 5 m daylight visibility triangles between the access and the widened road allowance limits of Upper Gage Avenue in which the maximum height of any objects or vegetation does not exceed 0.60 m above the corresponding perpendicular centreline elevation of Upper Gage Avenue.

ii) All setbacks must be taken from the widened limits of Upper Gage Avenue.

iii) All privacy fencing should be located a minimum of 3 m (prefer 5 m) from the widened road allowance limits of Upper Gage Avenue.

iv) Comments on the access and manoeuvring from the Traffic Division should be considered."

- The Department of Public Works and Traffic advises:

"A similar application was submitted in June 1995. Our comments regarding the change in zoning and proposed development at that time are still applicable...

With reference to the revised plan submitted with the current application, our review indicates that further expansion of the proposed turn around will be required to allow a single unit truck to turn around. This will effectively eliminate any potential area in which to provide on-site amenities such as playground etc. The applicants should also be advised that with the proposed design, on-site garbage pick-up would not be provided by the City."

The Traffic Division's June 1995 comments were as follows:

"The approved neighbourhood plan for Randall Neighbourhood designates the subject lands and the adjacent properties to the south for development as attached housing. The independent development of the subject lands, as shown on the preliminary plan, will compromise the development of the lands to the south as attached housing. Therefore, we are not prepared to support the application for the independent development of the subject lands as proposed.

We recommend that the applicant consider a land assembly, including the two adjacent properties to the south, to provide for a comprehensive development in which adequate access and circulation could be provided for all three properties.

With reference to the preliminary plan, the site limitations negate the provision of any turnaround facilities for garbage, service or delivery vehicles without deleting one unit. These vehicles will be required to back out onto Upper Gage Avenue contrary to standard design practises."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan, which designates the subject lands "Residential".

2. The proposal does not comply with the Approved Randall Neighbourhood Plan, and a redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING" would be required for the rear portion of the subject lands.

3. The application cannot be supported for the following reason:

   - Approval of the application is premature pending consolidation with the adjoining lands to the south. In this regard, independent development of the subject lands would preclude comprehensive development of a designated townhouse block, including the subject lands, No. 1238 Upper Gage Avenue and the front portion of 1244 Upper Gage Avenue (see APPENDIX "D"). It is noted that No. 1238 Upper Gage Avenue is only 22.56 m (74 ft.) in width, and does not appear to be viable as an independent townhouse block; and,

   - Approval of this application may encourage other similar applications (ie. for the front portion of 1244 Upper Gage Avenue), which if approved, would undermine the intent of the Neighbourhood Plan.

4. With regard to the alternative development plan submitted by the applicant for small lot single-family dwellings, this proposal conflicts with the intent of the Neighbourhood Plan, with regard to the land use designation of "Attached Housing". In addition, ownership and maintenance issues with regard to the private road would have to be resolved, as would the intent of the remnant lands to the north and west of the private road (see APPENDIX "C"). The Building Department advises a number of variances would be required to the "R-4" (Small Lot Single-Family Dwellings) District regulations, further clarification is required to determine exact variances. Furthermore, this proposal would have the same effect as townhouse development, with regard to fragmentation of the proposed "Attached Housing" block (eg. the subject lands, No. 1238 and 1244 Upper Gage Avenue).

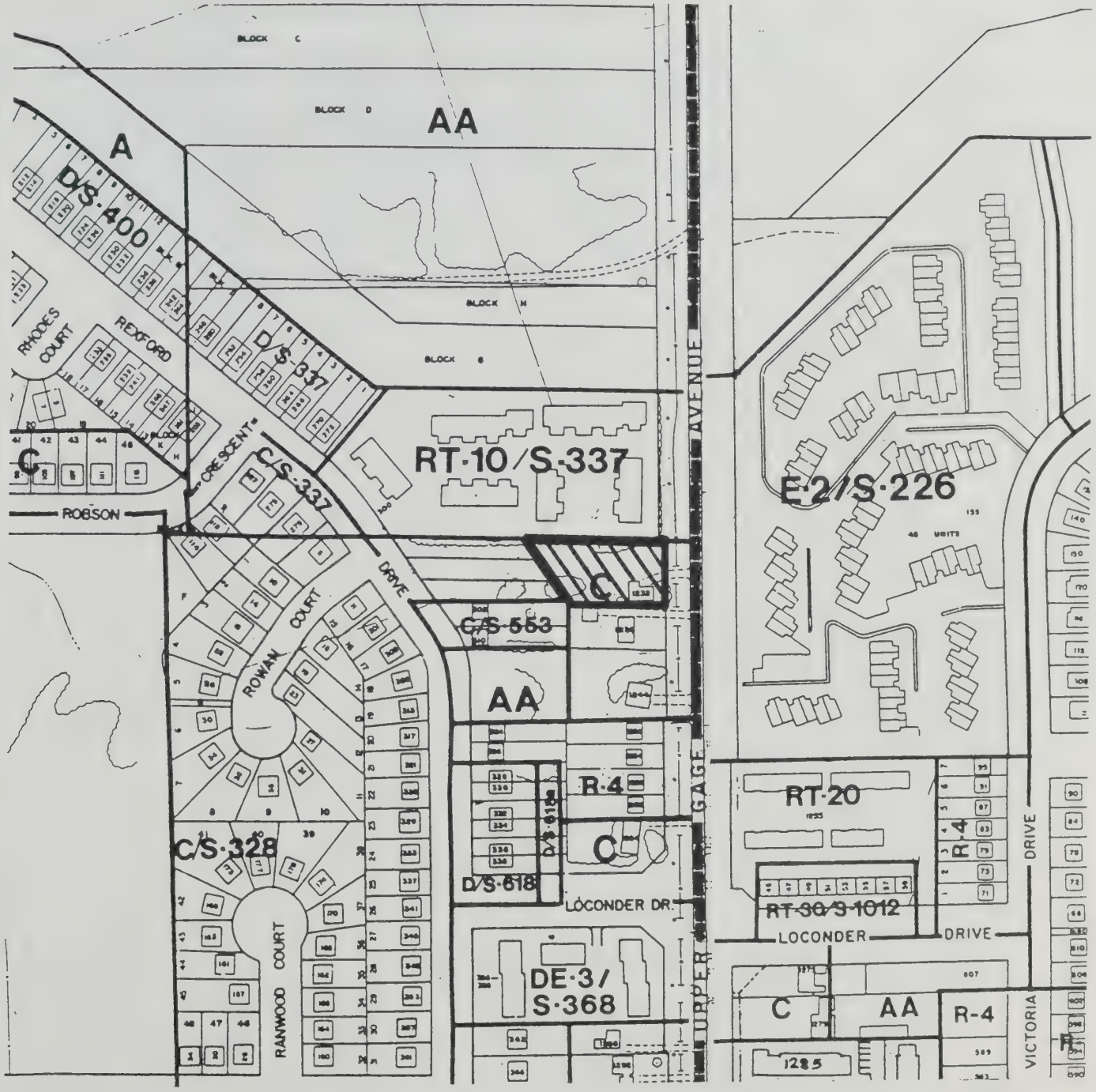
5. It should be noted that, both the Regional Environment Department and Traffic Division have expressed concerns with respect to adequate on-site traffic circulation and site access should these lands be developed independently of the lands to the south.

6. Should the Committee consider independent development of the subject lands for townhouse dwellings appropriate, a number of changes to the concept plan are recommended. Firstly, the access drive shall be located along the southerly side lot line of the subject lands. In this way, potential future coordination with the lands to the south (No. 1238 and 1244 Upper Gage Avenue) could be facilitated. In addition, by deleting one unit, and restricting development to a maximum of seven townhouse dwelling units, the parking area could be relocated to the front yard, thereby improving the parking layout and providing some outdoor amenity area at the west end of the site. This would also have the effect of providing an additional buffer between the single-family homes fronting onto Rexford Drive. An alternative development scheme, illustrating these revisions, is attached as APPENDIX "E".

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

CL-M

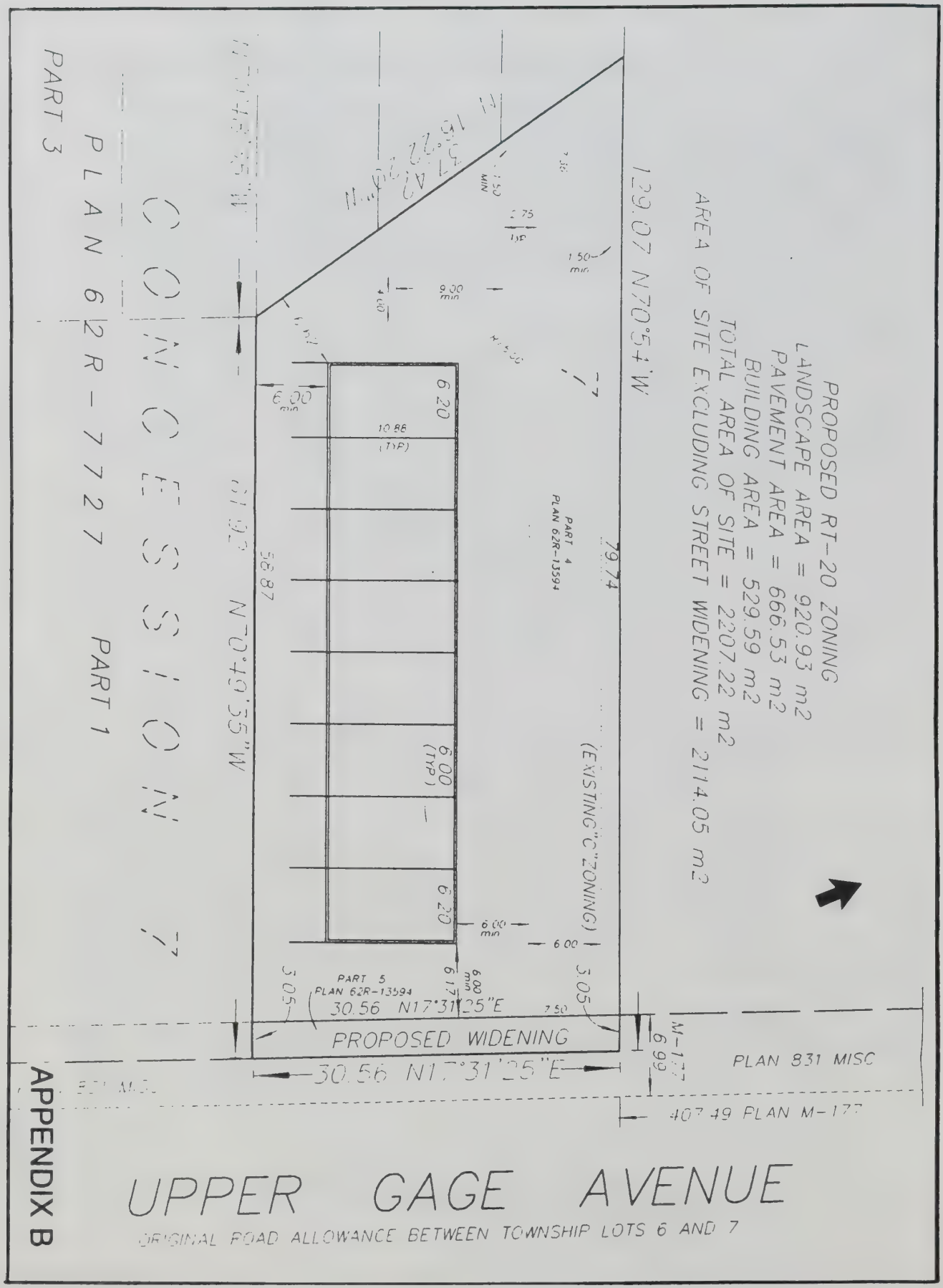


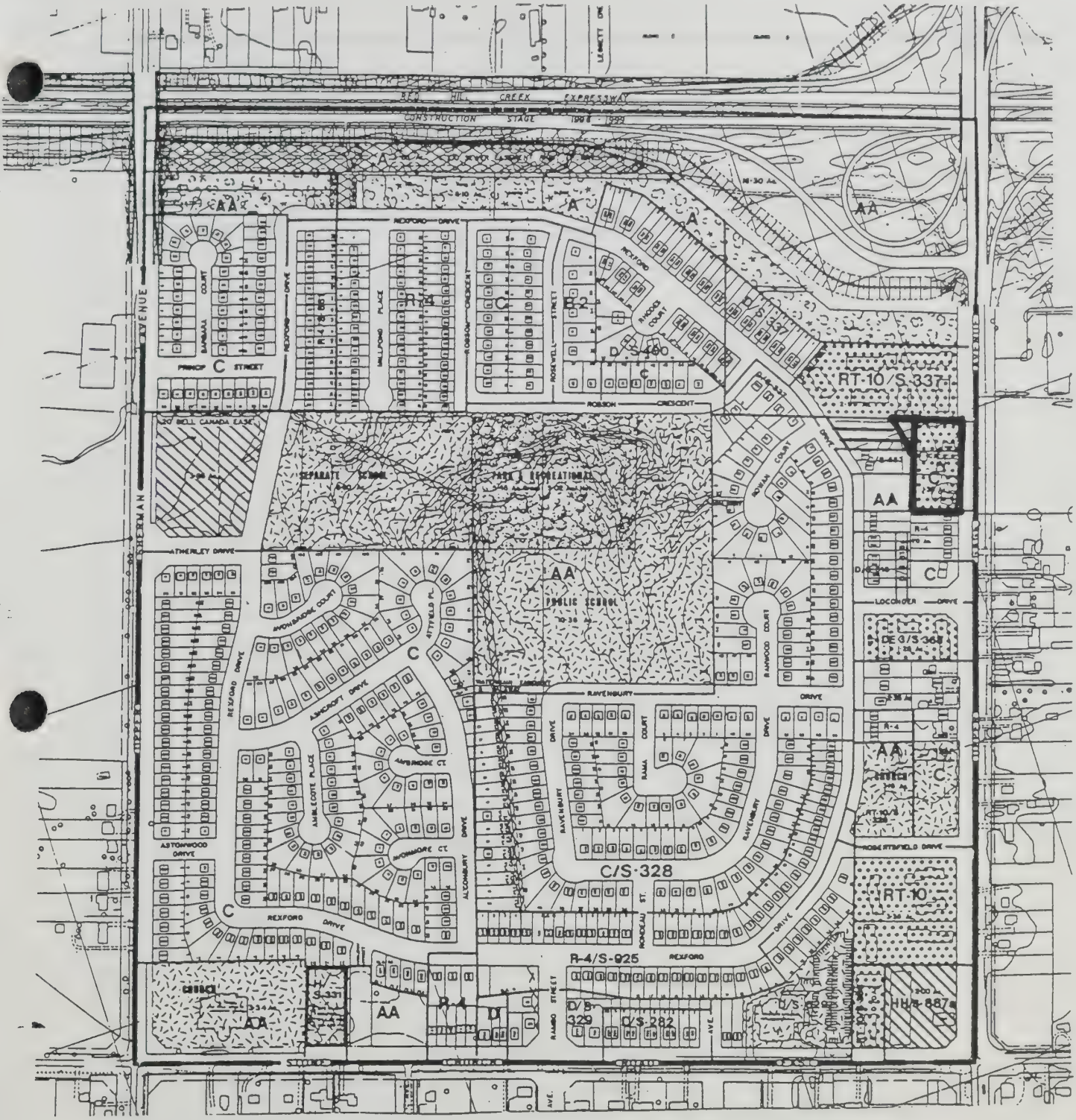
Legend

Site of the Application

ZAC-96-08

APPENDIX A


PROPOSED RT-20 ZONING
LANDSCAPE AREA = 920.93 m2
PAVEMENT AREA = 666.53 m2
BUILDING AREA = 529.59 m2
TOTAL AREA OF SITE = 2207.22 m2
AREA OF SITE EXCLUDING STREET WIDENING = 2114.05 m2
129.07 N70°54'W
79.74
(EXISTING "C" ZONING)
PART 4 PLAN 62R-13594
PART 5 PLAN 62R-13594
30.56 N17°31'25"E
PROPOSED WIDENING
30.56 N17°31'25"E
PLAN 831 MISC
407.49 PLAN M-177
CONDOMINIUM PLAN 62R-7727
PART 1
PART 3
APPENDIX B
UPPER GAGE AVENUE
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 6 AND 7



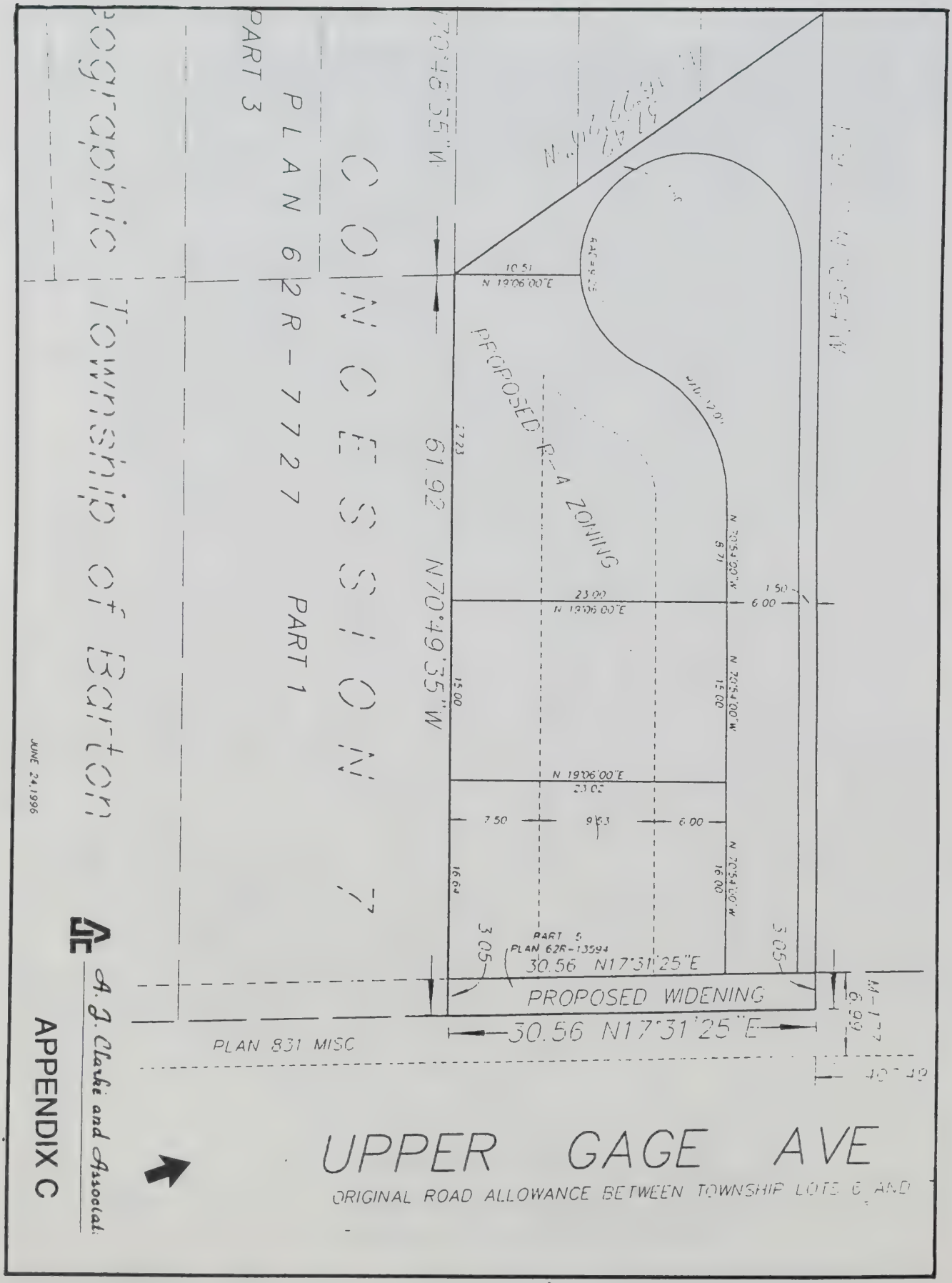
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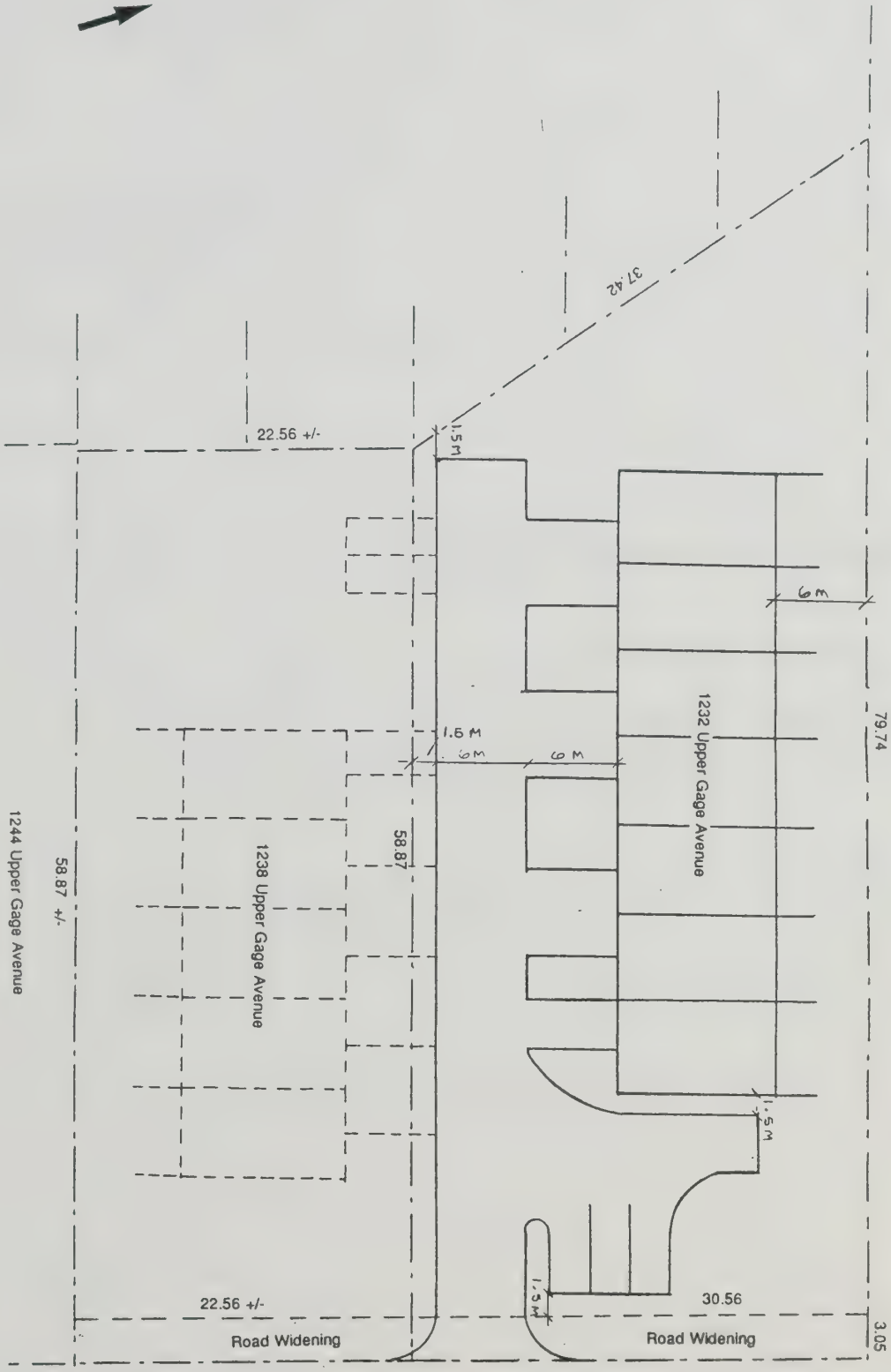
Lands designated ATTACHED HOUSING
(1232, 1238 & 1244 Upper Gage Ave.)

Proposed redesignation from SINGLE
AND DOUBLE to ATTACHED HOUSING

NORTH

APPENDIX D


UPPER GAGE AVE
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 6 AND
PROPOSED WIDENING
30.56 N17°31'25"E
PART 5
PLAN 62R-13594
30.56 N17°31'25"E
PLAN 831 MISC
PROPOSED R-A ZONING
61.92 N70°49'35"W
PART 1
PLAN 62R-7727
PART 3
N70°48'35"W
10.51
N 19°06'00"E
23.00
N 19°06'00"E
15.00
N 70°54'00"W
16.64
16.00
7.50
9.53
6.00
1.50
6.00
3.05
3.05
6.99
40.19
APPENDIX C
A. J. Clarke and Associates
JUNE 24,1996



DEVELOPMENT ALTERNATIVE FOR 1232 UPPER GAGE AVENUE

APPENDIX E

Copy to V. Abraham & P Nicol Johnson. 7/8/96

29

Ministry of Citizenship, Culture and Recreation

Ministère des Affaires civiques, de la Culture et des Loisirs

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TTY 905) 521-7502

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Télécopieuse (905) 521-7621
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August 6, 1996

AUG 08 1996

Secretary
Planning and Development Committee
Planning and Development Department
City of Hamilton
7th Floor, 71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

Re: Changes in Zoning
Planning Department File #'s: ZAC-95-01; ZAC-95-04; ZAC-95-12; ZAC-96-08; ZAC-96-09

Thank you for forwarding to me the information concerning the above noted zoning change applications.

We have reviewed this information and, from an arts, recreation and citizenship point of view, we have no comments to provide. In addition to this, the Ministry will provide comments on the impact of the proposal to heritage resources. For these comments, please contact:

Manager
Archaeology and Heritage Planning Unit
Ministry of Citizenship, Culture and Recreation
77 Bloor Street West, 2nd Floor
Toronto, Ontario
M7A 2R9

Thank you for sharing this information with the Ministry and allowing us to comment.

Yours truly,

Karen Daniels

Karen Daniels
Area Consultant

261

AUG 13 1996

ZAC-96-52

Mrs. B. Davies.
308 Rexford Drive,
Hamilton, Ontario.
L8W 1P5.

To Whom it may concern.

I would like to oppose the request of rezoning 1232 Upper Gage Avenue from "C" District to "RT-20" District.

I live next to this property and I do not wish to have townhouses in my back yard. As I stated last year when we went through this, (which by the way was refused, and nothing has changed since then). When I brought my house 7 years ago, I checked to make sure that townhouses could not be built there. Now if this rezoning goes through this will decrease the value of my house considerably.

This piece of land had one house on it when we moved here, now the property has been sold the builder has built two houses next to mine (blocking the view from my dinning room window, now I look onto a roof). This I realize the property was zoned for and I have to except it, However having townhouses in my back yard is a bit much and I feel I must fight this (yet again).

The owner wishes to put up 11 houses total on a piece of land which had only 1 house, also the entrance to these houses will be on Gage Ave which is a very busy road now , this will only cause more congestion.

Please take in to consideration that we who live here are the ones this rezoning will effect, not the people who vote on this nor the builder. So please listen to us and 'STOP THIS REZONING'.

Yours truly.

B. Davies.

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 199 6 Aug 13

3.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1996 August 8
ZAC-96-09
Quinndale Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - 607 Queen Victoria Drive.

RECOMMENDATION:

That approval be given to Zoning Application 96-09, Hamilton Habitat for Humanity, owner, for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District for Block "1" and from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single-Family Dwellings - Holding) District for Block "2", for property located at 607 Queen Victoria, shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Blocks "1" & "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District;

(ii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until the lands are assembled with the adjoining lands to the south for development.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49B for presentation to City Council; and,

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(v) That the approved Quinndale Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Residential" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District for Blocks "1" & "2", for property located at 607 Queen Victoria Avenue, as shown on the attached key map.

The amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until the lands are assembled with the adjoining lands to the south for development.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

The effect of the By-law is to permit one (1) Small Lot Single-Family Dwelling fronting onto Queen Victoria Drive (Block "1"). The remaining lands (Block "2") are proposed for future development in conjunction with adjoining lands to the south.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Hamilton Habitat for Humanity, owner.

BACKGROUND:

- Proposal

  The applicant has applied for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District (Blocks "1" & "2") to permit one (1) Small lot Single-Family Dwelling fronting onto Queen Victoria Drive (Block "1") and the remaining lands (Block "2") are proposed for future development in conjunction with adjoining lands to the south, for property located at 607 Queen Victoria Avenue, as shown on the attached key map.

- Land Severance Application H-96-01

  At its meeting of July 31, 1996, the Land Division Committee approved the applicants request to sever the property into two (2) parcels subject to, among others, the condition that the applicant receive final approval of a zoning by-law, rezoning the lands to be retained (Block "1") from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwellings) District and the lands to be severed (Block "2") from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single Family Dwellings - Holding) District or satisfactory minor variance approval.

- Committee of Adjustment 96-173

  Following the submission of this zoning application, the applicant has submitted an application to the Committee of Adjustment (A:96-173) for the necessary minor variance approval to permit two (2) residential building lots under the existing "AA" (Agricultural) District. The application has been scheduled for the August 14, 1996 meeting of the Committee of Adjustment.

LOT SIZE AND AREA:

Block "1"

- 13.29 m (43.60 ft.) of lot frontage on Queen Victoria Drive;
- 30.48 m (100.0 ft.) of lot depth; and,
- 405.07 m^2 (4,360.37 S.F.) of lot area.

Block "2"

- 35.423 m (116.27 ft.) of lot frontage on Loconder Drive;
- 13.29 m (43.60 ft.) of lot depth; and,
- 470.77 m^2 (5067.50 S.F.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	Small Lot Single-Family Dwellings and Street Townhouses	"R-4" (Small Lot Single-Family Dwellings) District and "RT-30" (Street - Townhouse) District - Modified

to the south	Small Lot Single-Family Dwellings and Single-Family Dwelling	"R-4" (Small Lot Single-Family Dwellings) District and "AA" (Agricultural) District
to the east	Small lot Single-Family Family Dwelling	"R-4" (Small Lot Single-Dwellings) District
to the west	Single-Family Dwelling	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated ***Residential*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "ATTACHED HOUSING" on the approved Quinndale Neighbourhood Plan. The proposal conflicts with the intent of the Plan. If approved a redesignation would be required from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING".

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comment or objection:

  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Roads Departments has advised:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  In our comments to the Committee of Adjustment regarding Land Severance Application B-96:1, we recommended, as a condition of severance approval, that the applicant/owner pay to the Region and City all outstanding servicing and land costs to lift the 0.3 m reserves adjacent to Parts 1 and 2 on the submitted plan. The 0.3 m reserves are shown as Parts 9 and 16 of Reference Plan 62R-6257. Once this requirement has been completed to the satisfaction of the City/Region, the 0.3 m reserves on Locondor Drive and Queen Victoria Drive shall be established as road allowance.

  Any new access to Locondor Drive or Queen Victoria Drive requires an Approach Approval from the City of Hamilton Department of Public Works and Traffic.

  For the information of the applicant, the elevation of any future driveways should be a minimum of 0.3 m above the perpendicular centreline elevation of Queen Victoria Drive and Locondor Drive, with a maximum 7% driveway grade on private property.

- The Building Department has advised:

  "1. Part 3 and Part 1 to be registered as one lot on title and Part 2 and Part 4 to be registered as one lot on title.

  2. Application not specific in respect to exact use. Single family dwelling or semi-detached two family dwellings are permitted with different requirements in respect to setbacks for dwelling.

  3. The dwelling proposed to be built on Part 2 and Part 4 would require additional variances due to the situation of the lot. The front property line would be fronting off of Loconder Drive; therefore, the required 6.0 m front yard setback and the 7.5 m setback would not be provided (the lot is 35.423 m wide and is 13.290 m deep).

4. No construction plans were submitted; therefore, at this time, no further zoning requirements can be examined."

- The Public Works and Traffic Department has advised:

  The application to permit a small lot single family detached dwelling on Part 1 of the submitted plan is satisfactory. Although the approved neighbourhood plan designates both Parts 1 & 2 for residential use, the development of Part 2 as residential will leave an awkward shaped area designated as future commercial use and may compromise the development potential of the adjacent lands.

  Therefore, we recommend that the rezoning of Part 2 be deferred until such time as this issue can be addressed.

  In the event that the application to rezone both Parts proceeds, we recommend that any approval be subject to the conditions that the elevation of the required parking spaces be a minimum of .3 of a metre above the centreline of Queen Victoria Drive and Loconder Drive and that the grade of the driveways on private property does not exceed 7%.

- The Treasury Department has advised that the Realty Tax arrears currently outstanding, as of June 19, 1996, are $4,548.54.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal conflicts with the intent of the approved Quinndale Neighbourhood Plan in that the lands are designated "ATTACHED HOUSING". If approved a redesignation would be required to "SINGLE AND DOUBLE RESIDENTIAL".

3. The proposal has merit and can be supported for the following reasons:

   - it would be compatible with the existing and future planned development in this area;

   - the proposed "R-4" (Small lot Single-Family Dwellings) District is consistent with the established Street Townhouses to the north on Loconder Drive and the Small lot Single-Family Dwellings on Queen Victoria Drive; and,

   - it represents infill within an established residential area.

4. Although the proposed "R-4" zoning would be consistent with the established development in the area and both lots would meet the "R-4" requirements for lot width and size, the lands shown as Block "2" are irregular in shape (ie. 35.423 m wide and only 13.29 m deep) and a dwelling could not be constructed with sufficient yard setbacks (see Building Department comments). In this regard, Block "2" should be merged with abutting lands to the south and developed comprehensively. The applicant has indicated

they do not intend on developing Block "2" at this time, and have agreed to place this block under an 'H' - Holding provision, until such time as adequate lands are assembled and a comprehensive development plan is proposed.

Thus, it is recommended that the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until the lands are assembled with the adjoining lands to the south for development.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" Modified District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled.

Furthermore, the lands to the west and south of Block "2" are designated for "Commercial" development on the approved Quinndale Neighbourhood Plan. If Block "2" is consolidated with the lands to the south for development, then a portion of the lands designated "Commercial" would be redesignated to "SINGLE AND DOUBLE RESIDENTIAL".

5. With respect to the Regional Environment Department's comment regarding the removal of the 0.3 m reserves, it should be noted that this recommendation was made a condition of the land severance application.

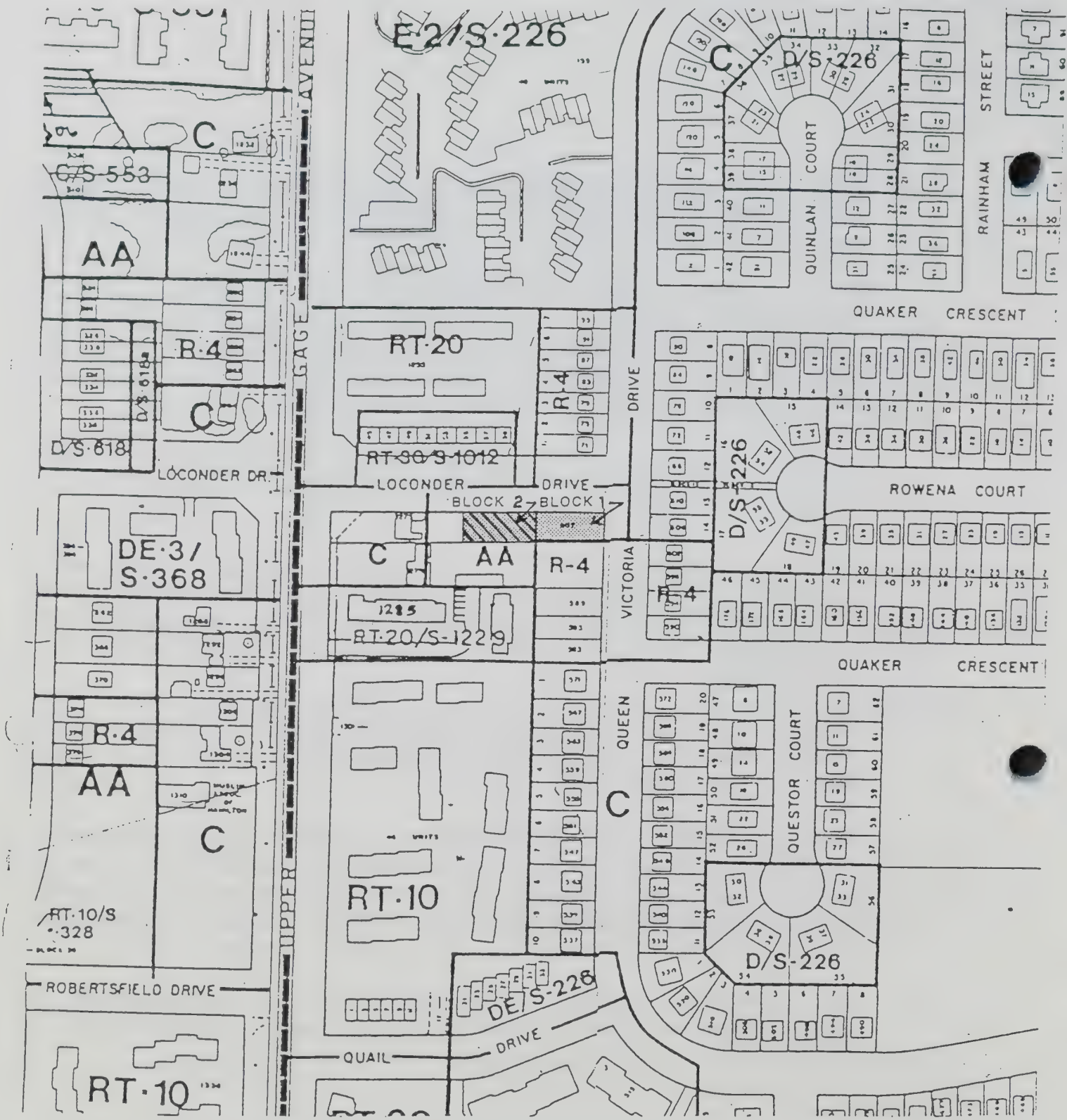
6. With respect to the Public Works and Traffic Departments concern regarding the elevation and grading of the required parking spaces, the agent for the applicant has advised that the required parking will be at grade, a minimum of .3 of a metre above the centreline of Queen Victoria Drive and Loconder Drive and that the grade of the driveways on private property will not exceed 7%.

7. With respect to the Realty Tax arrears, as noted by the Treasury Department, the applicant should be advised that it is City Council's policy that this matter be brought into good standing.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/jl
WPZAC9609



Legend

Site of the Application

ZAC-96-09

Proposed change in zoning from:

BLOCK 1 — From "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

BLOCK 2 — From "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single-Family Detached - Holding) District;

Copy to V. Abraham & P. Noé Johnson

3a)

Ministry of Citizenship, Culture and Recreation

Ministère des Affaires civiques, de la Culture et des Loisirs

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August 6, 1996

AUG 08 1996

Secretary
Planning and Development Committee
Planning and Development Department
City of Hamilton
7th Floor, 71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

Re: Changes in Zoning
Planning Department File #'s: ZAC-95-01; ZAC-95-04; ZAC-95-12; ZAC-96-08; ZAC-96-09

Thank you for forwarding to me the information concerning the above noted zoning change applications.

We have reviewed this information and, from an arts, recreation and citizenship point of view, we have no comments to provide. In addition to this, the Ministry will provide comments on the impact of the proposal to heritage resources. For these comments, please contact:

Manager
Archaeology and Heritage Planning Unit
Ministry of Citizenship, Culture and Recreation
77 Bloor Street West, 2nd Floor
Toronto, Ontario
M7A 2R9

Thank you for sharing this information with the Ministry and allowing us to comment.

Yours truly,

Karen Daniels

Karen Daniels
Area Consultant

PLNCMTS1.DOC

4.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 5 1996

DATE: 1996 August 2
ZAC-95-04
Gourley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a change in zoning - West of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street.

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-95-04, Mike & Gus Holdings Ltd., owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the use of the subject land for single family dwellings, for property located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District;

ii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-9B be notated S - ;

iv) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District) to "C"-'H' (Urban Protected Residential, etc. - Holding) District, for lands located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street, as shown on the attached map.

The effect of the By-law is to permit the development of the subject lands, upon removal of the holding provision, in conjunction with the lands to the north and south, for single detached dwellings.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is the applicant's intention to change the zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street to permit the use of the subject lands for single detached residential purposes.

- Zoning Application ZAC-94-32 and Subdivision Application 94-02

  An application has been made for a change in zoning and approval of a draft plan of subdivision for the lands to the north of the subject lands. The proposed plan of subdivision ("Orchards North") is comprised of 45 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes) and 22 lots for small lot interlink single family dwellings. Zoning Application 94-32 is currently being reviewed by staff. It is noted that the development of the "Orchards North" subdivision will be conditional on a second road access being provided via the extension of either Chesley Street or Annabelle Street. As such, development of the "Orchards North" subdivision will have to occur in conjunction with the lands owned by Gus & Mike Holdings Ltd.

- Zoning Application ZAC-90-85

  In 1991, Council passed By-law No. 91-100 which changed the zoning on the lands directly to the north of the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

APPLICANT:

Gus & Mike Holdings, owner.

LOT SIZE AND AREA:

- 40.249 m (132 ft.) of lot width;
- 347.25 m (1,140 ft.) of lot depth; and
- 11,718.9 m^2 (126,154 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant	"AA" (Agricultural) District

to the south	Vacant and Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Vacant and Institutional	"AA" (Agricultural) District and "AA" (Agricultural) District, Modified

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The following policies, amongst others, should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition, the following policies of Subsection C.7 - Residential Environment and Housing Policy should be noted:

"C.7.1 In the development of new RESIDENTIAL areas, and as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;"

As the proposal implements the mix of housing types established in the neighbourhood plan with adequate off-street parking, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" in the approved Gourley Neighbourhood. The proposal complies with the intent of the Plan.

COMMENTS RECEIVED:

- The Building Department has advised:

  "An "attached plan" has not been submitted with this application, therefore, there is insufficient details to determine of variances to the Zoning By-law are required, or if any requirements or conditions must be applied."

- The Traffic Division, Department of Public Works and Traffic has advised that:

  "The proposed change in zoning is consistent with the proposed plan for the northeast section of the Gourley Neighbourhood approved in 1990.

  We recommend that development of the subject lands be conditional on the establishment of the local streets between the subject lands and Chester Avenue."

- The Regional Environment Department, Development Division, has advised that:

  "For the information of the applicant/owner, the subject lands must be developed as a plan of subdivision. At the draft plan stage, detailed comments including land dedication for the extension of Annabelle Street and Chesley Street will be provided.

  In addition, the subject lands cannot be developed until Annabelle Street has been physically extended to the south limits of the subject lands.

  There are external watermains and separate storm and sanitary sewers available to service these lands. The actual services for these lands will be dealt with under the draft plan of subdivision, and at the owner's expense."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of both the Official Plan and the approved Gourley Neighbourhood Plan;

ii) it would be compatible with existing and future planned residential uses. The subject lands are located between lands zoned residential. In this regard, the proposal is an infilling situation; and,

iii) it would provide the opportunity for comprehensive development of north-easterly quadrant of the Gourley Neighbourhood in that development of the subject lands will occur in conjunction with development of the lands to the north and south.

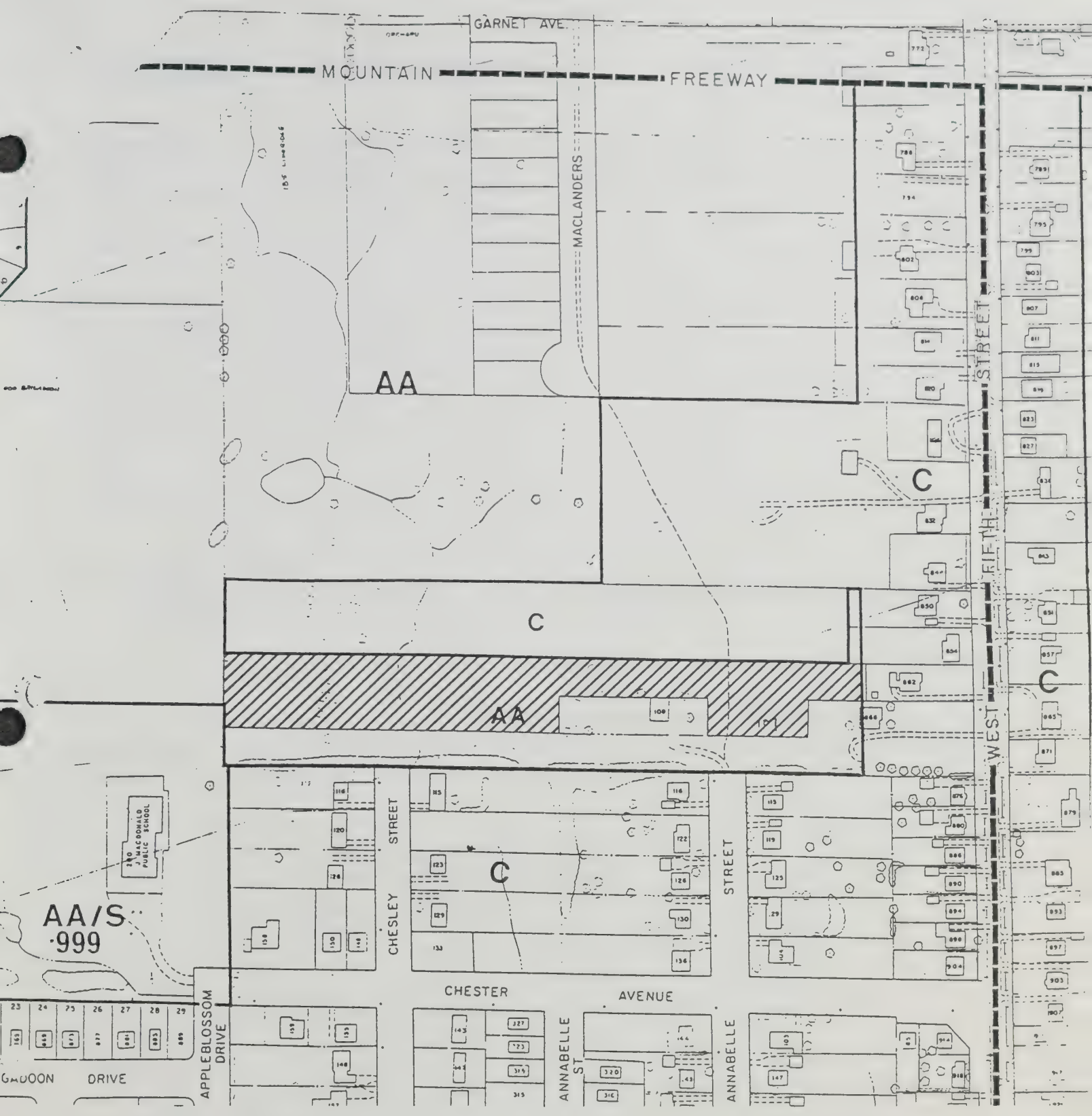
3. There is the potential to subdivide the subject lands into 10 building lots and 19 blocks to be developed with adjacent lands. In addition, development of the subject lands will necessitate the extension of Chesley St. and Annabelle Street. The Regional Environment Department, Development Division (Roads Department) has advised that development should occur by way of a plan of subdivision. As such, the subject lands should be placed in a holding zone, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision would prohibit the development of the subject lands until such time as an application for a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth. City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in the By-law once the condition is fulfilled.

4. The Building Department advised that information regarding minimum lot widths and areas was not provided to determine compliance with the Zoning By-law. At the time of subdivision of the subject lands, then as a condition of draft plan approval the Owner will be required to provide the City of Hamilton with a certified list prepared by an Ontario Land Surveyor showing the net area and width of each lot and the gross area of the subdivision in the final plan. Accordingly, the lot widths and lot areas on the final plan must conform with the provisions of the "C" District. In addition, if any blocks are created, then as a condition of draft plan approval the blocks will have to be developed in conjunction with the adjacent lands for single detached dwellings.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr
95-04



Legend

Site of the Application

ZAC-95-04

APPENDIX "A"

Copy to V. Abraham & P Noé Johnson

4a

Ministry of Citizenship, Culture and Recreation

Ministère des Affaires civiques, de la Culture et des Loisirs

Ontario

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1 James Street North
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Hamilton, ON L8R 2K3

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August 6, 1996

AUG 08 1996

Secretary
Planning and Development Committee
Planning and Development Department
City of Hamilton
7th Floor, 71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

Re: Changes in Zoning
Planning Department File #'s: ZAC-95-01; ZAC-95-04; ZAC-95-12; ZAC-96-08; ZAC-96-09

Thank you for forwarding to me the information concerning the above noted zoning change applications.

We have reviewed this information and, from an arts, recreation and citizenship point of view, we have no comments to provide. In addition to this, the Ministry will provide comments on the impact of the proposal to heritage resources. For these comments, please contact:

Manager
Archaeology and Heritage Planning Unit
Ministry of Citizenship, Culture and Recreation
77 Bloor Street West, 2nd Floor
Toronto, Ontario
M7A 2R9

Thank you for sharing this information with the Ministry and allowing us to comment.

Yours truly,

Karen Daniels

Karen Daniels
Area Consultant

PLNCMTS1.DOC

5.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1996 August 7
ZAC-95-12 and SAC-95-02
Gourley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision and Change in Zoning - Lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive.

RECOMMENDATION:

Subdivision Application

a) That Subdivision Application SAC-95-02, Ontario Realty Corporation, requesting approval of a draft plan of subdivision, on lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive, comprising of 22 lots for single detached dwellings, 35 lots for small lot single detached dwellings, 4 blocks for future development with adjacent lands as single detached dwellings, a block for a 0.30 m reserve, a blocks for road widening purposes, and a block to be developed with adjacent lands for a school site in, under Regional File 25T-95011, as shown on the attached map marked as APPENDIX "B", be approved on the following basis:

(i) That this approval apply to the plan, as revised in red, prepared by Ontario Reality Corporation and certified by B.J. Clarke, O.L.S., dated March 22, 1995, showing 22 lots for single detached dwellings (Lots 1-15 inclusive and Lots 51-57 inclusive), 35 lots for small lot single detached dwellings (Lots 16-50 inclusive), 4 blocks for future development with adjacent lands as single detached dwellings (Blocks 59-62 inclusive), a block for a 0.30 m reserve (Block 64), a block for road widening purposes (Block 58), and a block to be developed with adjacent lands for a school site (Block 63);

(ii) That the Owner acquire the necessary lands to establish Street "A" to its full width of 26.0 metres;

(iii) That the Owner dedicate 12.0 x 12.0 metre day-light triangles between the widened limits of Stone Church Road West and Street "A" to the City of Hamilton;

(iv) That the Owner establish a 2.0 x 2.0 metre day-light triangle at the intersection of Greywood Road and Lot 16;

(v) That the Owner establish a 9.0 metre radius transitional curves at each end of the 15.0 metre radius elbow on Greywood Drive in the vicinity of Lots 7 to 11;

(vi) That the Owner establish Brigadoon Drive at 20.12m from the existing westerly limits of the subdivision to the westerly limits of Street "A";

(vii) That the Owner establish Greywood Road at 20.12m from the westerly limits of the subdivision to Brigadoon Drive;

(viii) That the Owner dedicate Street "A", Street "B", the extension of Brigadoon Drive and the extension of Greywood Drive to the City of Hamilton at the time of registration of the Final Plan of Subdivision;

(ix) That the draft plan be revised with the daylight triangles and street radii changed to the hard metric conversions to the satisfaction of the Manager of Development, Regional Environment Department;

(x) That the centreline radius of Brigadoon Drive opposite Greywood Road intersection be increased to 250m;

(xi) That sufficient lands (Block 58) be dedicated to the Region by Certificate on the Final Plan of Subdivision, to establish the property line 15.24m from the centreline of the original Stone Church Road West road allowance;

(xii) That the Owner establish Court "B" to a width of 20.12m;

(xiii) That Street "A" be established and constructed to its full width during the first phase of development to provide arterial road access to this neighbourhood;

(xiv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(xv) That the frontage outside the daylight triangle for Lot 1 be a minimum of 4.5m in width (3.0 m single vehicle access with side yard setback) and that access be constructed at the northern limits of the lot outside the Region's daylight triangle;

(xvi) That Blocks 59, 60, 61, 62 and 63 on the red-line revised plan, must be developed in conjunction with adjacent lands;

(xvii) That the owner agree, in writing, not to apply for building permits for Blocks 59, 60, 61, and 62 until such time as the adjoining lands are merged in title to complete the ultimate configuration of these future lots;

(xviii) That Block 63 be merged in title with the adjoining property;

(xix) That the streets be named to the satisfaction of the City of Hamilton;

(xx) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(xxi) That the final plan conform with the Zoning By-law approved under the Planning Act;

(xxii) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(xxiii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;

(xxiv) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(xxv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton;

(xxvi) That the Owner enter into Subdivision Agreements with the City and Region prior to development of any portion of these lands;

b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95011), Ontario Realty Corporation, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision;

d) That the approved Gourley Neighbourhood Plan be amended to add the public highway shown as Court "B" and that Lots "35" to "57" inclusive, on the draft plan of subdivision be redesignated from "Attached Housing" to "Single & Double" upon Draft Plan Approval of the Plan of Subdivision.

Zoning Application

(e) That amended Zoning Application ZAC-95-12, Ontario Realty Corporation, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and "R-4" (Small Lot Single - Family Dwelling) District, (Block "2"), for lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive, as shown on the attached map marked APPENDIX "A", be approved for the following basis:

i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District;

iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-17C be notated S - ;

v) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council; and,

vii) The application complies with the City of Hamilton Official Plan.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide changes in zoning for lands located north of Stone Church Road West, east of Garth Street, at the easterly limits of Brigadoon Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

Block "2" - from "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District.

The effect of the by-law is to permit the development of Block "1" for single detached dwellings and Block "2" for small-lot single detached dwellings.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Ontario Realty Corporation

Surveyor:

B.J. Clark, O.L.S., A.J. Clark & Associates Limited, Hamilton.

Location:

The lands are located on the north side of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive, in the Gourley Neighbourhood, City of Hamilton.

Lot Size and Area:

The subject property has an irregular shape and has:

- a width of 149.93 metres (approximately 490 feet) along Stone Church Road West;
- a depth of 236.94 metres (approximately 775 feet); and,
- a lot area of 3.77 hectares (9.31 acres).

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural)" District
Surrounding Land Use		
to the north	Vacant lands	"AA" (Agricultural) District
to the south	Underground Reservoir	"AA" (Agricultural) District
to the east	Single Detached Dwellings and Vacant lands	"B" ((Suburban Agricultural and Residential, etc.) District, "C" (Urban Protected Residential, etc.) District, and "AA" (Agricultural) District
to the west	Single Detached Dwellings, Semi-detached Dwellings and Street Townhouses	"C" (Urban Protected Residential, etc.) District, modified, D (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified and "RT-20" (Townhouse - Maisonette) District, modified

SUBDIVISION PROPOSAL:

The proposed draft plan of subdivision, as red-line revised, is to subdivide the subject lands for 22 lots for single detached dwellings, 35 lots for small lot single detached dwellings, 4 blocks for future development with adjacent lands as single detached dwellings, a block for a 0.30 m reserve, a blocks for road widening purposes, and a block to be developed with adjacent lands for a school site and to construct the necessary public highways (see attached APPENDIX "B").

REZONING PROPOSAL

The applicant is requesting the following changes in zoning as shown on APPENDIX "A":

Block "1" - from "AA" (Agricultural) District to"C" (Urban Protected Residential, etc.) District; and,

Block "2" - from "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District.

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban Areas" in the Hamilton-Wentworth Official Plan. The proposal conforms with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposed draft plan of subdivision complies with the intent of the Official Plan.

Neighbourhood Plan:

The lands are designated "Single & Double Residential" and "Park and Recreational" in the approved Broughton West Neighbourhood Plan. Approval of the application would necessitate an amendment to the neighbourhood plan to change the designation of Lots 35 - 57, inclusive, from "Attached Housing" to "Single and Double" Residential.

Comments Received:

- The Building Department has advised:

"1. Lots 1 - 15 and Blocks 59, 60, 61 and 62 were reviewed under the "C" District requirements and Lots 16 - 34 were reviewed under the "R-4" District requirements, to change the existing "AA" zone as per ZAC-95-13.

2. Blocks 60 and 61 and Lot 51 do not meet the minimum 360 m^2 lot area requirement. Cannot determine the lot width for Lot 57 because of its irregular shape.

3. Lot 47 states to have a lot width of 69.11m. Dimension should be corrected.

4. No calculations submitted, cannot determine the average lot area and average lot width, specifically for Lots 27 - 34, which appear insufficient. Cannot determine compliance as per Section 9A(2)(c) of Zoning By-law 6593.

5. The 0.30m reserve shall be established.

6. Other lots comply as shown on the submitted survey."

- The Regional Environment Department, Development Division has advised:

"There are public watermains available on Brigadoon Drive, Greywood Road and Stone Church Road West to service the subject development area. We have no objection to the proposed residential densities. It is recommended that the subdivider be required to construct the watermain on Street "A" from Brigadoon Drive to Stone Church Road West for looping purposes.

From a storm and sanitary sewer servicing perspective, we do not object to the proposed zoning amendment. It is recommended that the draft plan of subdivision submitted with the zoning application not be registered until sewer outlets are available at the east limit of the development on Brigadoon Drive.

The designated road allowance width of Stone church Road West is 30.48m. In accordance with this designation we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 15.24m from the centreline of the original Stone Church Road West road allowance.

The applicant should be advised that direct street access to street townhousing from Stone Church Road West or the mid-block collector Street, shown on the draft plan submitted with the application, will not be permitted.

The subject lands should be developed through a satisfactory plan of subdivision. One of the conditions of draft plan approval will include the requirement that Street "A" will have to be established and constructed to its full width during the first phase of development of the subject lands.

The establishment of the mid-block collector street shown on Street "A" and the centreline to centreline alignment of the mid-block collector street on the southside of Stone Church Road West may result in an undevelopable strip of land on the eastside of the south leg of the intersection. We recommend that this matter be reviewed by the Planning Department prior to the approval of the mid-block street location on the northside of Stone Church Road."

The Regional Environment Department, Development Division, further advised:

"We have the following additional comments and recommendations with regard to the above noted draft plan of subdivision:

FOR INFORMATION

1) The establishment of the midblock collector Street "A" appears to conform to the approved neighbourhood plan. In this location, the establishment of the midblock

collector street on the southside of Stone Church Road to align centreline to centreline with Street "A" may result in undevelopable remnant lands on the east side of the street on the south side of Stone Church Road. We recommend that the Planning and Development Department prior to the final approval of this plan and the establishment of Street "A" at the proposed location.

RECOMMENDATIONS

1) That the applicant/owner convey 12.0m x 12.0m daylight triangles to the Region, from the **widened** limits of Stone Church Road and Street "A".

2) That the applicant/owner establish Brigadoon Drive at 20.12m from the existing westerly limits of the subdivision to the westerly limits of Street "A".

3) That the applicant/owner establish Greywood Road at 20.12m from the westerly limits of the subdivision to Brigadoon Drive.

4) That the draft plan be revised with the daylight triangles and street radii changed to the hard metric conversions.

5) That the centreline radius of Brigadoon Drive opposite Greywood Road intersection be increased to 250m.

6) That the applicant/owner establish and construct Street "A" to its full width to provide arterial road access to this neighbourhood.

7) That the applicant/owner establish a 2.13m x 2.13 m daylight triangle at the intersection of Greywood Road and Lot 16."

In response to the red-line revisions to the draft plan of subdivision, the Regional Environment Department, Development Division, advised:

"**INFORMATION**

1) Public watermains are available on the existing portions of Greywood Road and Brigadoon Drive as well as Stone Church Road West to service the proposed development.

2) Public storm and sanitary sewers are not yet available to service the proposed development. The subject lands are dependent on the extension of sewers from the existing portion of Brigadoon Drive ("Orchard Park Estates - Phase 4") through the adjacent lands to the east of Street "A".

3) As we have no objection to single family development fronting onto Stone Church Road West, the applicant/owner should be advised of possible servicing costs on Stone Church Road West, adjacent to the subject lands.

4) The designated road allowance width of Stone Church Road is 30.48m.

5) Larger lots are preferred on Street "A", specifically Lot 1, to reduce the impact of local access on the roadway operations.

6) The previous draft plan submission proposing Block 3 as townhouse units is preferred option to the proposed single family concept as site access was previously limited to Brigadoon Drive. Street "A" is a midblock collector and therefore will be signalized at the intersection of Stone Church Road West at some future date. The provision of access onto Street "A" reduces the efficiency of the signals, creates delay for through vehicles and generally reduces the level of service (including transit operations).

RECOMMENDATIONS

1) That sufficient lands be dedicated to the Region by Certificate on the Final Plan of Subdivision, to establish the property line 15.24m from the centreline of the original Stone Church Road West road allowance.

2) That the owner dedicate 12.0m x 12.0m daylight triangles between the widened limits of Stone Church Road West and Street "A" to the City of Hamilton.

3) That the owner establish the extension of Brigadoon Drive 20.12m in width from the westerly limits of Block "2" to the westerly limits of Street "A". Court "B" shall also be established at 20.12m.

4) That Street "A" be established and constructed to its full width during the first phase of development to provide arterial road access to this neighbourhood.

5) That the centreline radius of Brigadoon Drive opposite Greywood Road be increased from 120m to 250m.

6) That the frontage outside the daylight triangle for Lot 1 be a minimum of 4.5m in width (3.0m single vehicle access with side yard setback) and that access be constructed at the northern limits of the lot outside the Region's daylight triangle.

7) That the 0.30 metre reserve shown along the daylight triangle and flankage of Lot 1 be deleted.

8) That the applicant/owner enter into Subdivision Agreements with the City and Region prior to development of any portion of these lands."

- The Traffic Division, Department of Public Works and Traffic has advised:

"This option was previously sent to us from the applicants. A copy of our response is attached. A further review of the proposal has however resulted in a change in our comments with respect to Lot 1.

Our previous recommendation for a minimum lot frontage of 3.0 m was based on the assumption of a single car driveway along the property line. We now understand that under the Zoning By-law requirements, a 1.2 m minimum side yard would be required for any building on the site.

In order to maintain a straight driveway, it therefore follows that the minimum frontage of Lot 1 to Street "A" should be 4.5 m (rounding up to the nearest 0.5 m). This frontage still assumes a single driveway. Should the applicants intend to construct a double driveway for example, this minimum frontage would have to be increased accordingly."

In addition, the Traffic Division advised:

"As stated in our letter if 1995 April 11, we recommend that the lot lines of lots 7, 8, 9 & 10 be modified, as shown on the attached plan, to avoid the potential overlapping of driveways between the property line and the travelled portion of the roadway.

The application to permit the proposed residential development is satisfactory. However, we recommend that prior to development of the subject lands that Street A be established and constructed to its full width to provide the necessary connection to the arterial road system."

COMMENTS:

1. The proposal complies with the intent of the Official Plan of the City of Hamilton.

2. The proposal conflicts with the approved Gourley Neighbourhood Plan. A Neighbourhood Plan amendment is necessary to redesignate Lots "35" to "57" inclusive, as shown on the draft plan of subdivision, from "Attached Housing" to "Single & Double".

3. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan; and,
   - it is compatible with existing and proposed development in the area.

4. The proposal complies with the road pattern in the approved Gourley Neighbourhood Plan. The proposed development will provide access for the existing properties to the north and west to Stone Church Road West from Brigadoon Drive.

5. The Building Department advised that information regarding minimum lot widths and areas was not provided on the "red-lined" revised plan of subdivision. As a condition of draft plan approval, the Owner will be required to provide the City of Hamilton with a certified list prepared by an Ontario Land Surveyor showing the net area and width of each lot and the gross area of the subdivision in the final plan. Accordingly, the lot widths and lot areas on the final plan must conform with the provisions of the "R-4" District and "C" District . As a condition of draft plan approval Blocks 59-62 inclusive are to be developed in conjunction with the adjacent lands for single detached dwellings.

6. As a condition of draft plan approval, the Owner should be required to make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes. The approved Gourley Neighbourhood Plan provides for a neighbourhood park to the east of the subject lands in conjunction with the school sites. As such, additional parkland within the proposed subdivision is not required.

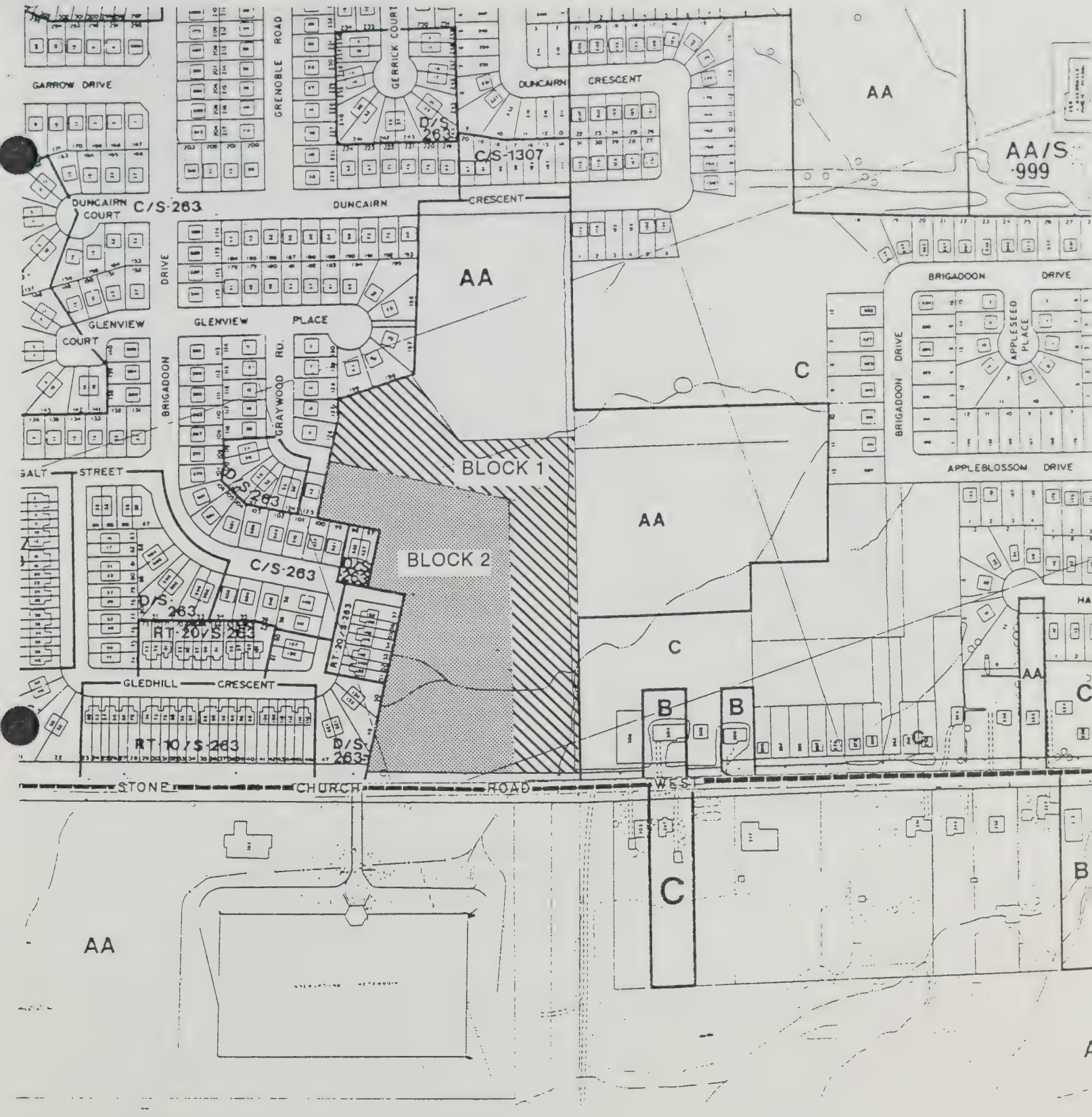
CONCLUSION:

On the basis of the foregoing, the applications can be supported.

SR/sr
95-12

APPENDIX "B" - Schematic plan of proposed subdivision

APPENDIX "A"



Legend

Proposed changes in zoning:

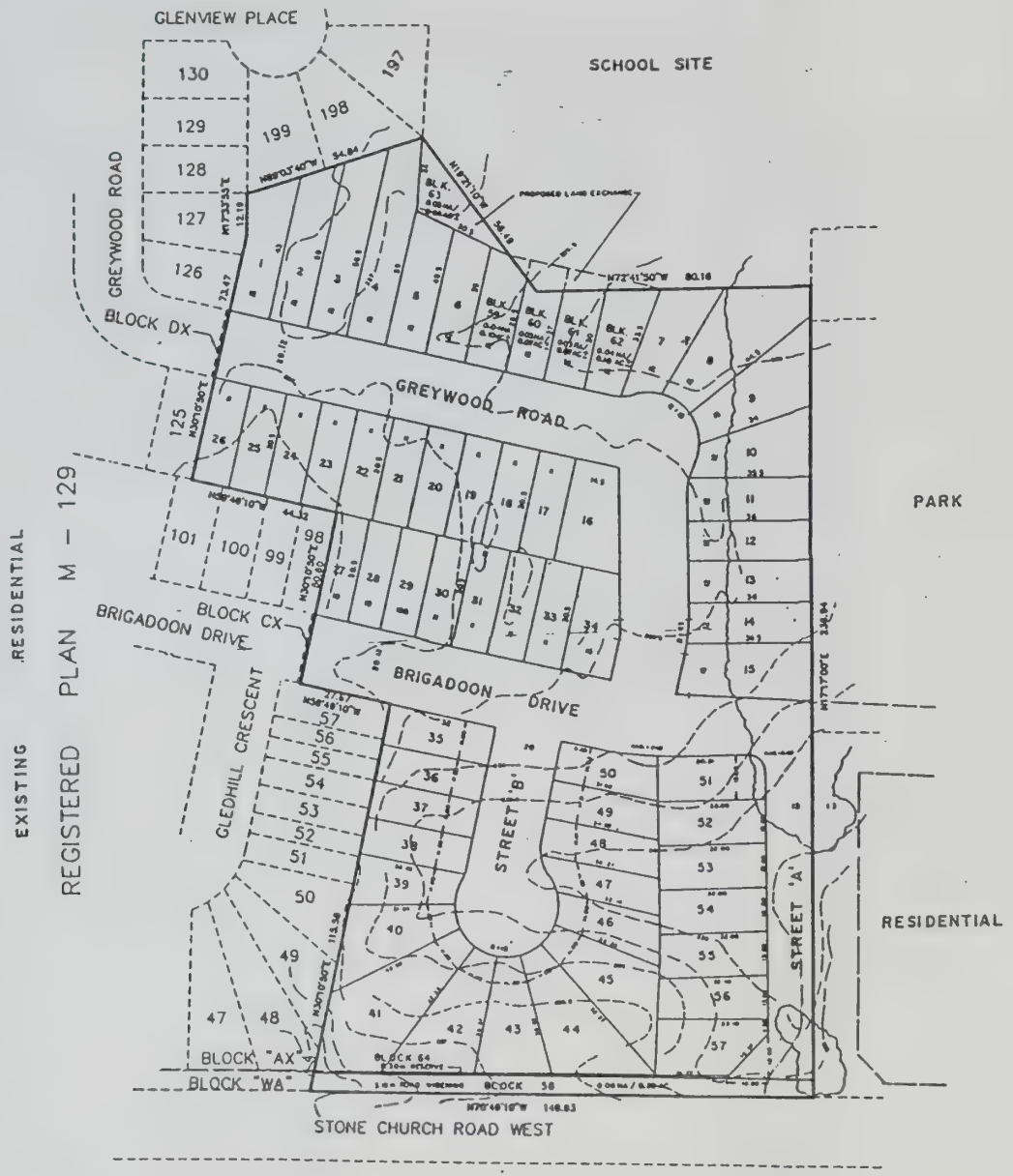
ZAC-95-12

BLOCK 1 — From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

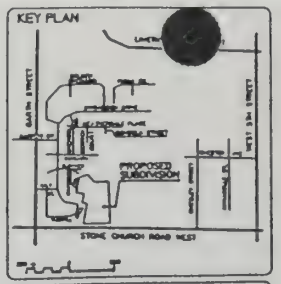
BLOCK 2 — From "AA" (Agricultural) District to "R-4" (Small Lot Single Family), District.

APPENDIX "A"

APPENDIX "B"



KEY PLAN



DRAFT PLAN OF SUBDIVISION
PART OF LOT 18
CONCESSION 7
IN THE GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF
HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

LAND USE

SCHEDULE	UNITS	HA / AC
SINGLE DETACHED LOTS 1-6, 7-37	37	2.35 / 6.23
FUTURE DEVELOPMENT BLOCKS 39-62		0.14 / 0.34
ROADS (INCLUDES ROAD WIDENING BLOCK 38)		1.04 / 2.57
FUTURE SCHOOL SITE BLOCK 63		0.04 / 0.10
TOTAL	37	3.77 / 9.31

ADDITIONAL INFORMATION

AS REQUIRED UNDER SECTION 51(2) OF THE PLANNING ACT, RSO 1990

A AS SHOWN ON PLAN
B AS SHOWN ON PLAN
C AS SHOWN ON PLAN
D SEE LAND USE SCHEDULE
E AS SHOWN ON PLAN
F AS SHOWN ON PLAN
G AS SHOWN ON PLAN
H MUNICIPAL PIPED WATER AVAILABLE
I CLAY LOAM
J AS SHOWN ON PLAN
K MUNICIPAL SERVICES TO BE INSTALLED
L AS SHOWN ON PLAN

OWNER'S AUTHORIZATION
WE HEREBY SUBMIT THIS PLAN IN DRAFT FORM FOR APPROVAL
ONTARIO REALTY CORPORATION
777 BAY STREET, 16TH FLOOR
TORONTO, ONTARIO M5G 2E5

AUTHORIZED SIGNING OFFICER
DATE March 27/95

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE SHOWN ACCURATELY AND CORRECTLY

O.L.S.
DATE March 27/1995

Ontario Realty Corporation
REAL ESTATE SERVICES BRANCH
Ontario

SCALE 1:750

Copy to V. Abraham & P. Noé Johnson. 7/9/96

5a

Ministry of Citizenship, Culture and Recreation

Ministère des Affaires civiques, de la Culture et des Loisirs

Ontario

Bank of Montreal Tower
1 James Street North
Suite 200
Hamilton, ON L8R 2K3

Tour de la Banque de Montréal
1 rue James nord
Bureau 200
Hamilton, ON L8R 2K3

Telephone (905) 521-7221
Telecopier (905) 521-7621
TTY 905) 521-7502

Téléphone (905) 521-7221
Télécopieuse (905) 521-7621
ATS (905) 521-7502

August 6, 1996

AUG 08 1996

Secretary
Planning and Development Committee
Planning and Development Department
City of Hamilton
7th Floor, 71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

Re: Changes in Zoning
Planning Department File #'s: ZAC-95-01; ZAC-95-04; ZAC-95-12; ZAC-96-08; ZAC-96-09

Thank you for forwarding to me the information concerning the above noted zoning change applications.

We have reviewed this information and, from an arts, recreation and citizenship point of view, we have no comments to provide. In addition to this, the Ministry will provide comments on the impact of the proposal to heritage resources. For these comments, please contact:

Manager
Archaeology and Heritage Planning Unit
Ministry of Citizenship, Culture and Recreation
77 Bloor Street West, 2nd Floor
Toronto, Ontario
M7A 2R9

Thank you for sharing this information with the Ministry and allowing us to comment.

Yours truly,

Karen Daniels

Karen Daniels
Area Consultant

6a)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1996 August 2
(SAC-95-06)
Sheldon Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Proposed Draft Plan of Subdivision "Westview Estates"
(File No. SAC-95-06/Regional File 25T-95007)

RECOMMENDATION:

(a) That approval be given to application SAC-95-06 (Regional File No. 25T-95007), Demetre Dekaneas, owner, to establish a draft plan of subdivision "Westview Estates", on lands located north of Rymal Road between Garth Street and West 5th Street in the Sheldon Neighbourhood, to be developed in two phases, subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by J.P. Woolley, O.L.S., dated March 22, 1995, showing 21 lots for single detached dwellings, a block for future development (Block 22), 6 blocks to be developed in conjunction with adjacent lands (Blocks 24 - 29 inclusive), a block for road widening purposes (Block 23), 2 blocks for 0.30 m reserves (Blocks 30 and 31) and to establish two public highways (Court "A" and Court "B") (see attached APPENDIX "C");

(ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;

(v) That the final plan conform with the Zoning By-law approved under the Planning Act;

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

(vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;

(viii) That the temporary road access proposed from Court "A" to Rymal Road be designed and constructed to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Regional Commissioner of Transportation;

(ix) That the Owner establish 0.30 metre reserves at the dead-end and open side of any road allowance within the plan of subdivision and that these reserves be transferred to the City of Hamilton upon registration of the Final Plan of Subdivision;

(x) That all cul-de-sacs proposed be designed with 15.0 metre radius bulbs and 9.0 metre radius transitional curves into and out of the bulb;

(xi) That the Owner provide a temporary storm water management pond, until the lands to the east are developed and storm sewer outlet is available. Such pond will be located on an easement conveyed to the City of Hamilton and will be maintained by the proponent until all the houses on Lots 1 to 18 inclusive are constructed and all lots sodded. At that time, a maintenance period of one (1) year will take effect. After the one (1) year maintenance period expires, the City of Hamilton will maintain the pond for a fixed fee, paid by the proponent, and to be pre-determined prior to the execution of the subdivision agreement;

(xii) That the Owner be responsible for the construction of a sidewalk on the east side of Court "A";

(xiii) That the cul-de-sac bulb on the west side of Court "A", north of Rymal Road, must be constructed with the registration of the plan;

(xiv) That the lotting and street configuration for Phase 1 be included and the lands shown as Phase 2 be only shown as a block on the plan;

(xv) That the Owner is required to provide the City with the cash amount for removal of the temporary road access to Rymal Road, and all restoration related to the removal of this temporary access;

(xvi) That notification should be placed on title for Lots 1 to 21 inclusive and all the Blocks stating that the temporary street access of Court "A" to Rymal Road will be removed at such time as alternative street access to these lands are provided from the east to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Commissioner of Transportation for the Region of Hamilton-Wentworth;

(xvii) That Court "A" be established as a cul-de-sac and dedicated as a public highway to the City of Hamilton on the registered plan;

(xviii) That the Owner establish Court "A" and Court "B" to its full 20.0m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision;

(xix) That the Owner agree in writing that Development of Block 22 cannot proceed until storm and sanitary sewers and watermains are existing at the limits of the block;

(xx) That the Owner agrees to not request a building permit on each of Lots 19 to 21 inclusive, until such time as each lot is no longer required for storm water management purposes, to the satisfaction of the Commissioner of the Regional Environment Department;

(xxi) That Lot 21, Block 22 and Block 29 not be registered until such time as Block 22 has direct frontage along a public highway in accordance with the requirements of the City of Hamilton Zoning By-law No. 6593;

(xxii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

(xxiii) That the Owner dedicate Block 23 for road widening purposes to the Regional Municipality of Hamilton-Wentworth;

(xxiv) That Blocks 24 - 29 inclusive must be developed in conjunction with the adjacent lands;

(xxv) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands;

(xxvi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton;

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95007), Demetre Dekaneas, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(c) That the Sheldon Neighbourhood Plan be amended in accordance with the proposed draft plan of subdivision "Westview Estates" to add Court "A" and that a notification be placed on the Neighbourhood Plan advising that the temporary street access of Court "A" to Rymal Road will be removed at such time as alternative street access to these lands are provided from the east to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Commissioner of Transportation for the Region of Hamilton-Wentworth; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Demetre Dekaneas, owner.

Agent:

A.J. Cameracci, Urbex Engineering Ltd.

Surveyor:

J. P. Wooley O.L.S.

Location:

The lands are located approximately mid-block between Garth Street and West 5th street, north of Rymal Road West in the Sheldon Neighbourhood (see attached map marked as APPENDIX "A").

Lot Size and Area:

The subject property has:

- a lot width of approximately 91 m;
- a lot depth of approximately 397 m; and,
- a lot area of 3.544 ha.

Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"C" (Urban Protected Residential, etc.) District
Surrounding Land Use		
to the north	Vacant (McConnell Park)	"AA" (Agricultural) District
to the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Vacant	"AA" (Agricultural) District
to the west	Vacant	"AA" (Agricultural) District

Subdivision Proposal:

The application, as revised in red, is to subdivide the subject lands 21 lots for single detached dwellings, a block for future development of up to 37 single detached dwellings, 6 blocks to be developed in conjunction with adjacent lands, a block for road widening purposes, and to establish two public highways (Court "A" and Court "B") (see attached APPENDIX "C").

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan:

The lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal does not conflict.

City of Hamilton Official Plan:

The subject lands are designated "Residential". The proposal would comply with the intent of the Official Plan.

Neighbourhood Plan:

The approved Sheldon Neighbourhood Plan designates the subject lands for "Single and Double" residential purposes. However, modifications to the approved street pattern are required to facilitate this development to extend Court "B" southerly towards Rymal Road West.

Zoning:

The subject lands are currently zoned "C" (Urban Protected Residential, etc.) District.

COMMENTS FROM CIRCULATION:

- The Building Department has advised:

  "1. The existing buildings are to be demolished under a building permit.

  2. Blocks 57, 58, 59, 60, 65 and 66 cannot be developed unless in conjunction with adjacent lands."

- The Traffic Division, Department of Public Works and Traffic, in response to the proposed plan of subdivision and neighbourhood plan modifications, advised that:

"As indicated in our previous verbal comments, we do not support the proposed modifications to the neighbourhood plan. The introduction of a new local roadway connecting to Rymal Road may allow for the early development of a portion of these lands, however, it eliminates a proposed bulb located on adjacent lands to the east. This bulb deletion creates a large awkward parcel on these eastern lands which will be difficult to integrate with adjacent property development. The early development of the applicants property therefore appears to occur at the expense of the adjacent owner.

Should a decision be made to proceed with this new "temporary" roadway connection, we recommend that any subsequent subdivision agreement specify that the temporary connection to Rymal Road be terminated as soon as alternative access is provided. We would further recommend that this item be registered on the title of all properties developed via this "temporary" access and that securities sufficient to remove the temporary roadway connection be retained until such time as the connection is permanently removed.

With respect to the modifications being proposed in the northern portion of the plan, please be advised that we prefer the design of the approved neighbourhood plan. The proposed street layout results in a longer, straighter roadway parallelling West 5th Street. This type of design can encourage driver behaviour which results in vehicle speeds in excess of the comfort level of adjacent residents."

- The Regional Environment Department has advised:

"FOR INFORMATION:

1. The street pattern on the proposed draft plan, in particular, Court "A"/Future Cul-de-Sac, does not conform to the approved street pattern on the Sheldon neighbourhood plan. It is out understanding that the Owner is proposing to construct a temporary access to Court "A" and Court "B" from Rymal Road. We have no objection to a temporary access subject to amendment by the City of the approved neighbourhood plan to conform to the street pattern proposed on the submitted draft plan.

2. The approved Sheldon neighbourhood plan proposes cul-de-sacs of exceeding lengths. From a transportation and servicing point of view it is not desirable nor is it practical to create long dead-ending roadways. We suggest that the City Planning Department take steps to redesign this area of the Neighbourhood plan to eliminate the long cul-de-sacs.

3. According to the approved Sheldon neighbourhood plan, the lands adjacent to the west limit of the proposed subdivision, north of Street "C" are designated for City parklands. The lotting arrangement on Street "C" proposes a remnant strip of land (Block 66) at the west limits of the subdivision. If the final plan of subdivision

is registered with this remnant strip, then the Owner should dedicate Block 66 to the City for parkland so that there will be no unusable blocks of land remaining. Alternatively, the Owner could re-lot Street "C" to eliminate Block 66.

RECOMMENDATIONS:

1. That the proposed plan of subdivision not be registered until the approved Sheldon neighbourhood plan has been amended to show Court "A"/Future Cul-de-Sac.

2. That Lots 36 to 55 (inclusive) not be registered until the adjacent lands to the east, towards West Fifth Street, have been registered under a plan of subdivision and a suitable road access has been made available to access these lots.

3. That Lots 22 to 35 (inclusive) not be registered until the adjacent lands to the east or west, have been registered under a plan of subdivision and a suitable road access has been made available to access these lots.

4. That the temporary road access proposed from Court "A" to Rymal Road be designed and constructed to the satisfaction of the Commissioner of Transportation/Environmental Services Group.

5. That the Owner establish 0.30 metre reserves at the dead-end and open side of any road allowance within the plan of subdivision and that these reserves be transferred to the City of Hamilton upon registration of the Final Plan of Subdivision.

6. That Blocks 57 to 65 and 67 to 70 (inclusive) be developed in conjunction with the lands adjacent to this plan of subdivision.

7. That all cul-de-sacs proposed be designed with a 15.0 metre radius bulbs and 9.0 metre radius transitional curves into and out of the bulb.

8. That the Owner dedicate Blocks 66 and 71 to the City of Hamilton, by deed, for parklands.

9. That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands.

The submitted plan as prepared by J.P. Wooley, O.L.S., stamped with the date March 22, 1995, is satisfactory to the Transportation/Environmental Services Group subject to the above noted comments and recommendations."

The Regional Environment Department, Development Division, further advised:

"We have the following **revised** comments and recommendations with regard to the above noted proposed draft plan of subdivision, as submitted to the City stamped with the date March 22, 1995.

INFORMATION

1. In our previous comments, we recommended that the Planning Department review the neighbourhood plan to determine whether the street pattern can be changed and some of the long cul-de-sacs revised into crescents, etc. Further, since development of this neighbourhood must come from the north and east, the City should consider flexibility in the location of proposed streets until such time as Phase 2 lands can be serviced in the immediate future.

RECOMMENDATION

1. That a temporary storm water management pond be required, until lands to the east are developed and storm sewer outlet is available. Such pond will be located on an easement conveyed to the City of Hamilton and will be maintained by the proponent until all the houses on Lots 1 to 18 inclusive are constructed and all lots sodded. At that time, a maintenance period of one (1) year will take effect. After the one (1) year maintenance period expires, the City of Hamilton will maintain the pond for a fixed fee, paid by the proponent, and to be pre-determined prior to the execution of the subdivision agreement.

2. That the applicant/owner will be responsible for the construction of a sidewalk on the east side of Court "A" since ultimately this cul-de-sac will contain more than the minimum residential units required for the sidewalk exemption policy.

3. That the cul-de-sac bulb on the west side of Court "A", north of Rymal Road, must be constructed with the registration of the plan.

4. That the lotting and street configuration for Phase 1 be included and the lands shown as Phase 2 be only shown as a block on the plan.

5. That the applicant/owner is required to provide the City with the cash amount for removal of the temporary road access to Rymal Road, and all restoration related to the removal of this temporary access.

6. That notification should be placed on title for Lots 1 to 21 inclusive and all the Blocks stating that the temporary street access of Court "A" to Rymal Road will be removed at such time as alternative street access to these lands are provided from the east to the satisfaction of the Commissioner of Public Works and Traffic for the City of Hamilton and the Commissioner of Transportation for the Region of Hamilton-Wentworth.

7. That Court "A" be established as a cul-de-sac and dedicated as a public highway to the City of Hamilton on the registered plan.

8. Development of the block cannot proceed until storm and sanitary sewers and watermains are existing at the limits of the block.

9. That the Owner agrees to not request a building permit on each of Lots 19 to 21 inclusive, until such time as each lot is no longer required for storm water management purposes, to the satisfaction of the Commissioner of the Environment Department.

The submitted plan as prepared by J.P. Woolley, O.L.S., stamped with the date March 22, 1995, is satisfactory to the Regional Environment Department, subject to the above noted revised recommendations."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The application, if approved, will require a modification to the approved Sheldon Neighbourhood Plan to add Court "A" and to delete the cul-de-sac on the adjacent property. In this regard, the adjacent property owner has advised the City in writing that they have no objection to the proposed modifications to the approved Neighbourhood Plan.

3. The application has merit and can be supported on the following basis:

   - it complies with the intent of the Official Plan;

   - it is compatible with existing and proposed development in the area.

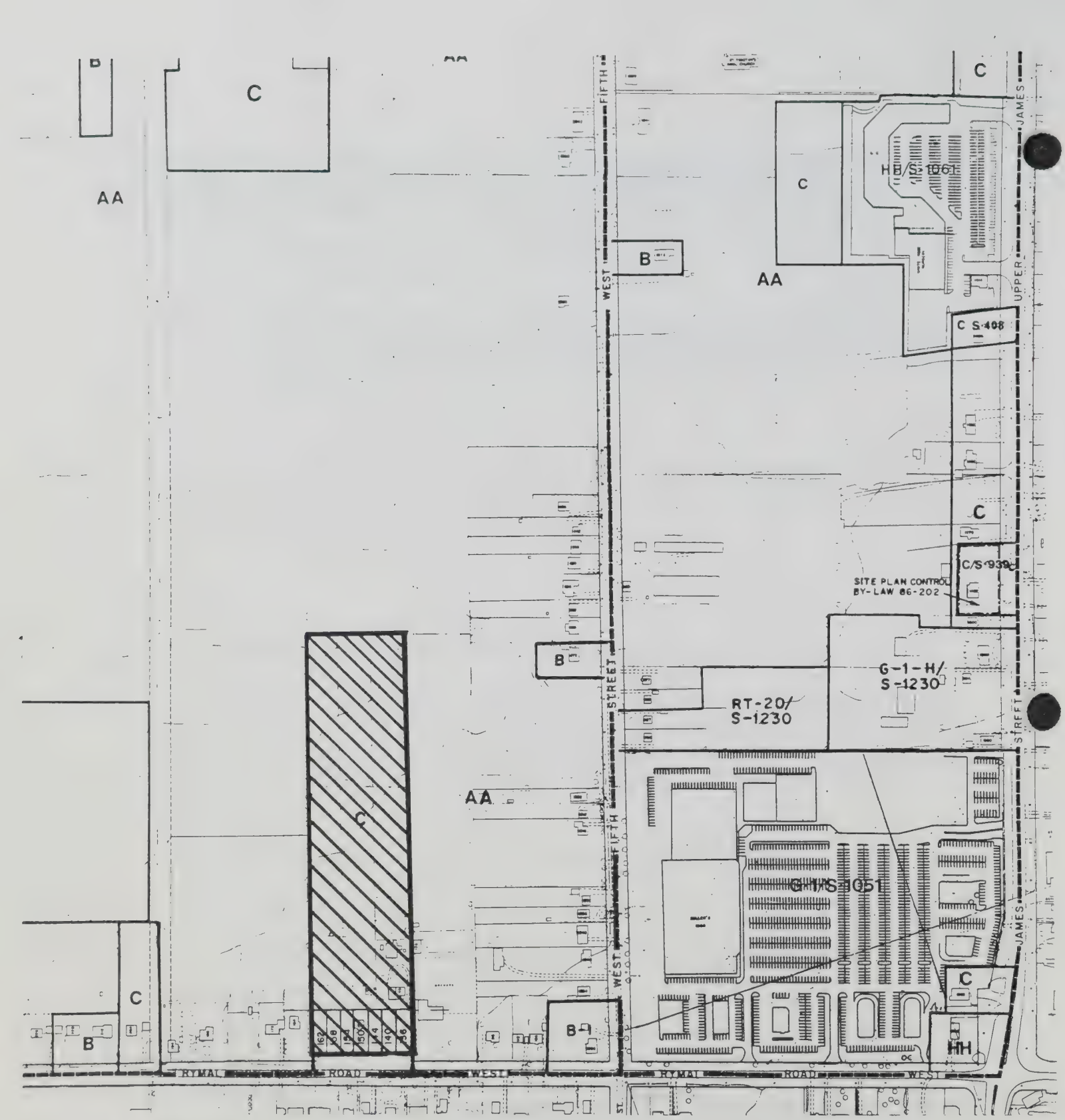
4. The Building Department advised that information regarding minimum lot widths and areas was not provided on the "red-lined" revised plan of subdivision. As a condition of draft plan approval, the Owner will be required to provide the City of Hamilton with a certified list prepared by an Ontario Land Surveyor showing the net area and width of each lot and the gross area of the subdivision in the final plan. Accordingly, the lot widths and lot areas on the final plan must conform with the provisions of the "C" District. In addition, as a condition of draft plan approval the owner should be required to agree that Blocks 24 - 29 inclusive cannot be developed unless in conjunction with adjacent lands. Development of the abutting lands to the east and west will have to occur prior to Block 22 being developed to provide the necessary connections to storm and santitary sewers and watermains.

5. The Neighbourhood Plan designates an area for "Park and Recreational" purposes to the north and west of the subject lands. Therefore, it is recommended that a cash payment in lieu of the conveyance of 5% of the land for parkland dedication be made by the owner.

CONCLUSION:

On the basis of the foregoing, the applications can be supported.

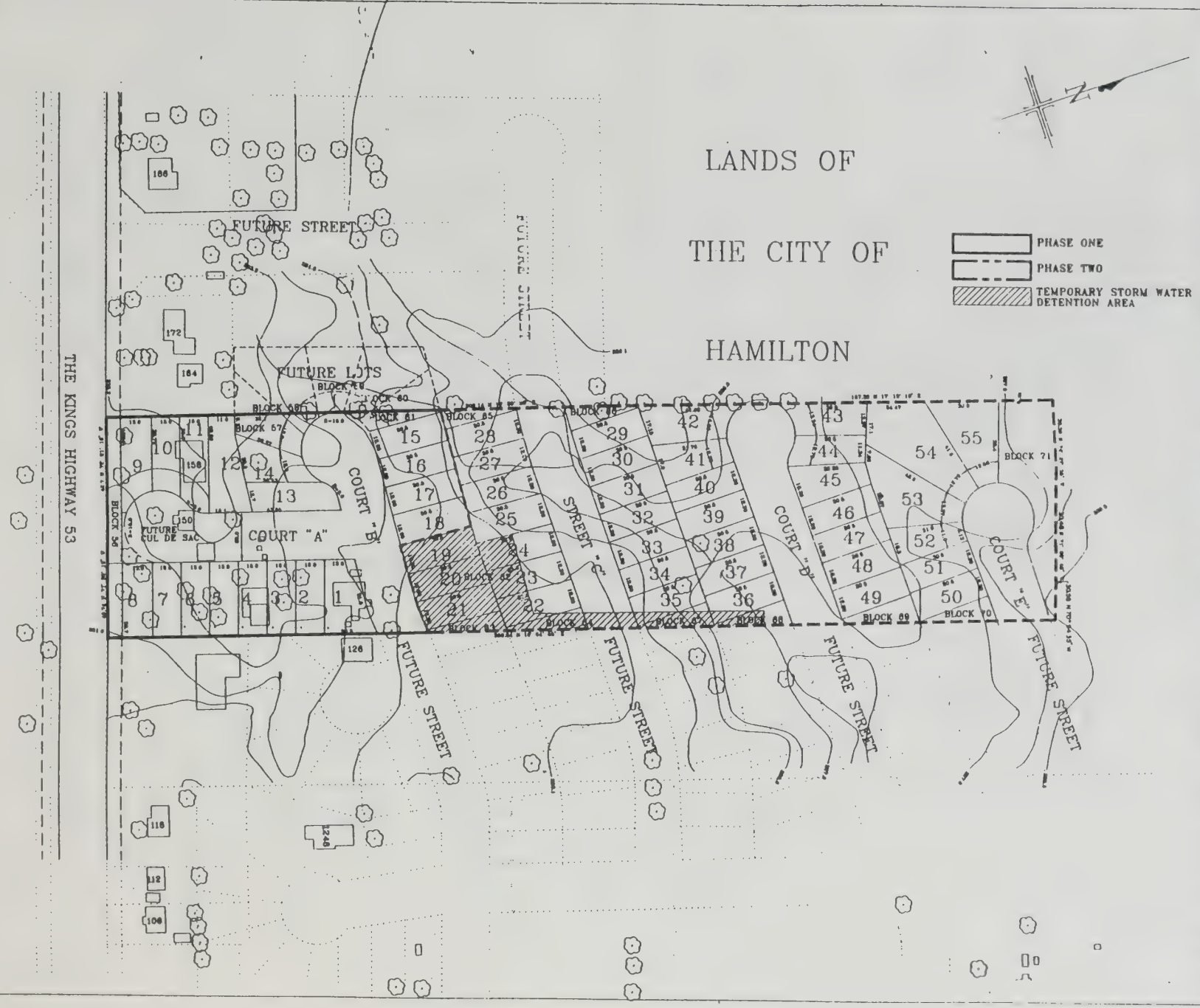
SR/sr
SUB95-06.RPT



Legend

Site of the Application

SAC-95-06



APPENDIX "B" - Draft Plan as Submitted by Applicant

APPENDIX "C" - Draft Plan, as Revised in Red

66)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1996 August 6
DA-96-12
Strathcona Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT:

Site Plan Control Application DA-96-12 for a Tim Hortons Double Drive-Thru in Conjunction with the existing Harvey's at 620 King Street West.

RECOMMENDATION:

(a) That Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223 be amended by adding the subject lands to Schedule "A".

(b) That approval be given to Site Plan Control Application DA-96-12 by the TDL Group LTD., lessee, for lands known as 620 King Street West, as shown on the attached map, for a Tim Hortons Double Drive-Thru in conjunction with the existing Harvey's, subject to the following:

(i) modification to the plan in relation to notes and dimensions as marked in red on the plan;

(ii) submission of a revised grading plan to the satisfaction of the Manager of Development, Regional Environment Department;

(iii) dedication to the Region of a strip of land 3.048 m in width on Dundurn Street, north of Part 1 on Reference Plan 62R-4453, for the purpose of a road widening;

(iv) clarification of the status/title of Part 8 on Reference Plan 62R-4453 to the satisfaction of the Manager of Development, Regional Environment Department; and further,

(v) submission of a revised site plan and landscape plan to the satisfaction of the Director of Planning.

BACKGROUND:

Plans have been submitted for a Tim Hortons Double Drive-Thru in conjunction with the existing Harvey's at 620 King Street West, as shown on the attached map. The details of the development are as follows:

• Net Lot Area		-	3,297.3 m^2
• Gross Floor Area	- Existing Harvey's	-	261.10 m^2
	- Tim Hortons	-	49.96 m^2
	TOTAL	-	311.06 m^2
• Proposed Building Height		-	5.5 m (max.)
• No. of Parking Spaces Provided		-	36
• No. of Loading Spaces		-	one (1)
• Landscape Area		-	715.50 m^2 (21.7%)
• Exterior Building Materials		-	brick, stucco, metal

A landscape area has been proposed along the northerly lot line and along the Dundurn and King Street road allowance.

Committee of Adjustment Application A:96-23

At its meeting of February 28, 1996, the Committee of Adjustment granted a variance to permit the access isle to the proposed drive-thru restaurant business extension to be as close as 3.7 m (12.14') to the residential lands to the north instead of the minimum 12.0 m away, subject to the development being reviewed and approved under Site Plan Control and an agreement to be effected.

COMMENTS RECEIVED:

The Regional Environment Department has advised that the grading plan requires clarification and modification in accordance to their comments (See Appendix "B"). A revised grading plan should therefore be submitted to the satisfaction of the Manager of the Regional Environment Department.

Furthermore, the applicant is required to dedicate to the Region a strip of land 3.048 m in width on Dundurn Street, north of Part 1 on Reference Plan 62R-4453, for the purpose of a road widening. The applicant is also required to clarify the status/title of Part 8 on Reference Plan 62R-4453 to the satisfaction of the Manager of Development, Regional Environment Department.

The Building Department has reviewed the plans submitted and have forwarded several comments with respect to the development of the lands (See Appendix "C").

The Department of Public Works and Traffic has reviewed the plans submitted and have forwarded comments with respect to the development of the lands (See Appendix "D").

COMMENTS:

The proposed development was the subject of a Committee of Adjustment application in which the Committee decision required that the development to be approved under Site Plan Control. Therefore, it is recommended that the lands be placed under Site Plan Control by amending the schedule of By-law No. 79-275.

Various modifications are required to the plan in relation to notes and dimensions, and have been marked in red on the plans.

The Site and Landscape Plan should be modified to incorporate the following concerns:

1. The order speakers/microphones should be shifted and directed to the north-east so as not to adversely affect the abutting residential property.

2. Any proposed lighting should be shown and their lighting patterns identified to ascertain their impact on adjacent properties. A note on the plans should indicate "all lighting shall be directed away from any residential properties".

3. Clarification should be provided on the existing fence and curbing to remain between the exiting drives of the Harvey's drive-thru and the new donut drive-thru lanes. It may be appropriate to consider reducing its length and/or height to create a more pleasant environment for the drive-thru area.

4. The "Bus Shelter" shown on the Grading Plan should also be shown on the Site/Landscape Plan.

5. All traffic signs must be identified, located and their elevations shown.

6. Site Plan notes must be added to the plans as required by the Plan Requirements contained with the application form.

7. The side elevations of the building and all signs should be included. A note should also indicate "All traffic directions signs shall be to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic and in accordance with by-law regulations".

8. The Landscape Plan should be modified to include the following:

   - an analysis of the existing trees/vegetation on the site;
   - the proposed cedar "hedge", in its mature state, will create a substantial "wall". It should be revised to incorporate a combination of deciduous and conferious trees with additional shrubs to create a landscape edge treatment that acts as a buffer to the adjacent residential use and enhances the overall site;
   - additional street trees should be provided to enhance the site and buildings and buffer the views of the buildings from residential properties;
   - the plan should provide additional areas for island plantings (i.e. annual/perennial planting beds);
   - fence details of the new Garbage Enclosure should be shown. A "designed" fencing with gates should be considered;
   - details of the fence design should be included. The design of the fence should enhance the site and the abutting properties; and,
   - Landscape Notes must be added to the plans as required by the Plan Requirements contained with the application form.

A revised site plan and landscape plan should therefore be submitted to the satisfaction of the Director of Planning.

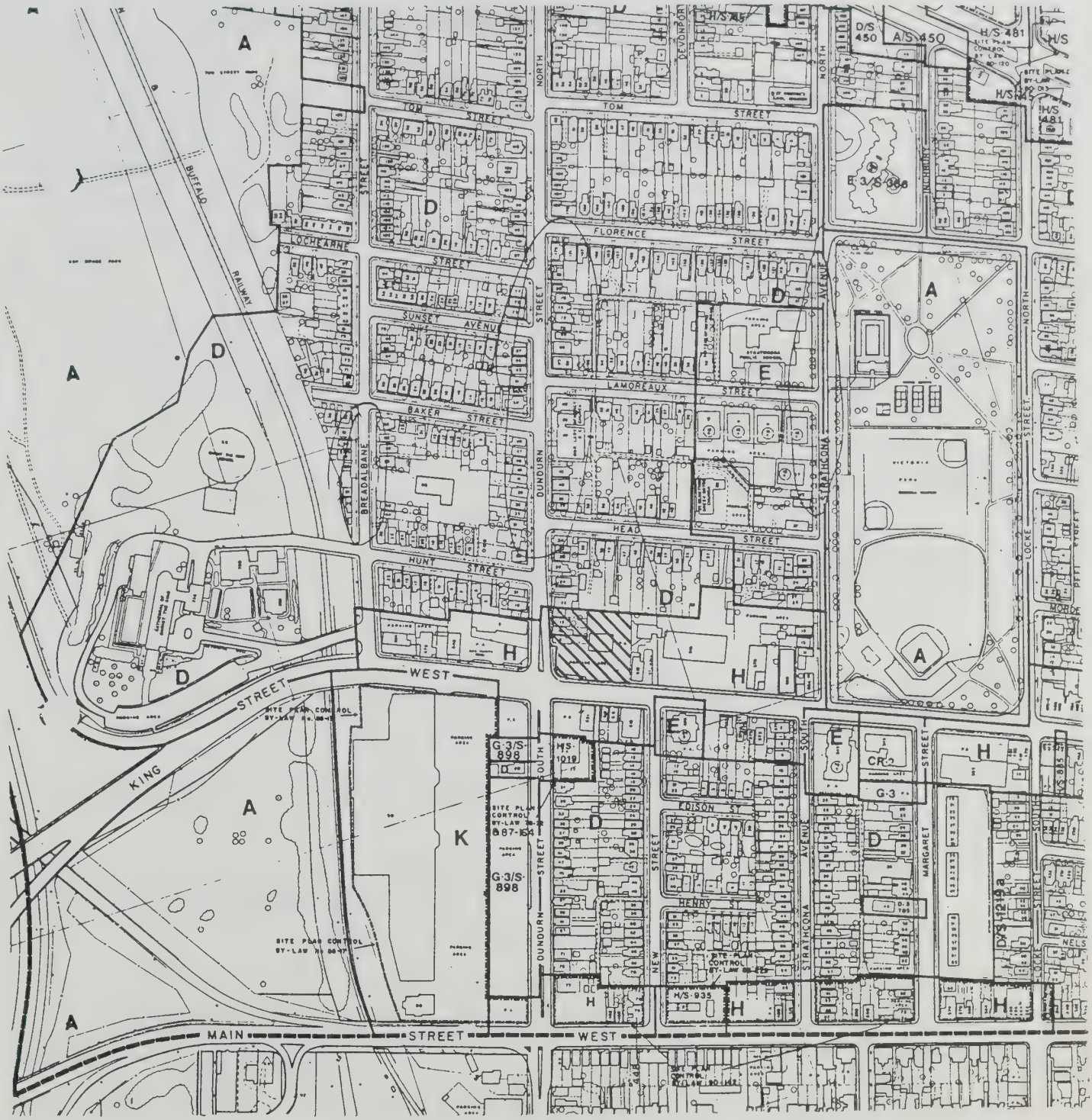
With respect to the Regional Environment, Public Works and Traffic, and Building Department comments, the applicant/owner has agreed to modify the plan and drawing accordingly, as per the attached correspondence of June 14, May 31, and July 10, 1996.

CONCLUSION:

Subject to the above, the proposed development is satisfactory.

JL/ma

STRATHCONA No. 127



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-96-12

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA 96-12
	Date	Drawn By
	MAY 1996	R. L.

APPENDIX A

DEVELOPMENT
BRANCH
JUN 18 1996
ACT

REGIONAL ENVIRONMENT DEPARTMENT

MEMORANDUM

****

TO: P. Mallard
Division Head, Land Use and Urban Design
Planning & Development Department

YOUR FILE: DA-96-12

FROM: C. A. Unelli
Development Co-ordinator
Regional Environment Department

OUR FILE: E220-1907
PHONE: (905) 546-4142

SUBJECT: **Site Plan Control Application DA-96-12 for a Tim Hortons Double Drive-thru in Conjunction with the Existing Harvey's at 620 King Street West**

DATE: 1996 June 14

The grading plan submitted dated May 24, 1996 will be approved with respect to grading when the following revisions have been dealt with.

(1) Please show the discharge points of the proposed buildings roof water leaders on the plan.

(2) Based on the information submitted it appears that a portion of the landscaped area along the north and east property lines will drain onto the adjacent properties. As this is not permitted the plans should be modified accordingly.

In order to alleviate this problem the applicant/owner may wish to consider installing a swale along the north and east property lines. This swale should be constructed entirely within the subject lands and should be fully labelled including: proposed elevations at the start, end, and at a 15 m interval along the swale. A typical cross section of the swale should also be shown on the plan.

It should be noted that our minimum slope for sodded swales and sodded surfaces is 2.0 %.

Cont'd...

APPENDIX B

Site Plan Control Application DA-96-12 for a Tim Hortons Double Drive-thru in Conjunction with the Existing Harvey's at 620 King Street West (cont'd)

(3) Due to our Department's recent restructuring note # 1 under "Grading Notes" should be modified to read as "Any changes in grades and catch basins requires the approval of the Commissioner, Regional Environment Department".

(4) Proposed elevations should be provided at a 15 m interval along all property lines. Alternatively if the existing elevations are to remain unchanged please indicate this on the plan with a general note.

(5) A portion of the asphalt driveway adjacent to the north west corner of the proposed building is less than our 1.0 % minimum for asphalt surfaces. Please review and modify the plans accordingly.

In order to assist the applicant/owner with the preparation of the security as required under the Site Plan Agreement, we have attached a copy of a guideline for estimating security requirements. It should be noted that this guideline, only includes items specific to our Department's security requirements, and depending on the details of the development, securities for additional items may be added.

The following comments have been received from the Regional Transportation Department, Sewer and Water Design Section.

(1) Ontario Building Code (1993)
7.1.6.5 **Private Sewers and Private Water Supply.** Private sewers and private water supply pipes shall be installed according to the Guidelines for the Design of Sanitary Sewage Work Systems, Guidelines for the Design of Storm Sewers and Guidelines for the Design of Water Distribution Systems issued by the Environmental Approvals and Projects Engineering Branch of the Ministry of the Environment.

(2) This project is in the City of Hamilton; the storm sewer system and sanitary sewer system are to be designed and approved in accordance with the M.O.E.E. and the Regional Municipality of Hamilton-Wentworth requirements.

Cont'd...

Site Plan Control Application DA-96-12 for a Tim Hortons Double Drive-thru in Conjunction with the Existing Harvey's at 620 King Street West (cont'd)

(3) All sewer systems within the road allowance are to be installed in accordance with the Regional Municipality of Hamilton-Wentworth Specifications Manual (latest edition).

(4) All existing sewer system (storm and sanitary) information should be shown on the plan.

(5) The new proposed catch basin lead should connect to the storm sewer, not to the existing catch basin.

(6) An inspection manhole within the private property for this new Tim Hortons Restaurant is required.

(7) All proposed sewer information such as length, size, grade, inverts and type of material should be indicated on the drawing.

(8) The municipal street address should be added to the plan.

(9) The size and location of the water meter should be shown on the plan.

(10) Watermain Note #1 is not applicable.

(11) The existing water service to Harveys should be shown on the plan.

(12) Please refer to the attached copy of the plan for additional comments.

(13) In accordance with sewer By-law No. R79-172, a permit and notification is required prior to commencement of any construction whether on the road allowance (private drains) or on private property (yard sewers). A water permit must also be taken out prior to the commencement of any works.

Cont'd...

Site Plan Control Application DA-96-12 for a Tim Hortons Double Drive-thru in Conjunction with the Existing Harvey's at 620 King Street West (cont'd)

The following comments have been received from the Regional Transportation Department, Roads Division.

We have reviewed the above application and provide the following comments:

(1) As per our previous comments dated February 13, 1992, our conversations with the Krasic Group and our comments to the Committee of Adjustment on Application A-96-23, we require that as a condition of site plan approval that a strip of land 3.048 m in width on Dundurn Street, north of Part 1 on Reference Plan 62R-4453, be dedicated to the Region for road widening purposes.

As the owner is also aware, the designated road allowance width of King Street is 26.21 m. In our previous comments we noted that the road widening requirement was reduced to 2.45 m, which is a easterly extension of a previous widening on King Street shown as Parts 1, 4, 5, and 7 on Reference Plan 62R-4453. The road widening is intended to provide a wider municipal sidewalk on King Street. At the present time this road widening will not be required to be dedicated given the size and the location of the new development. However, the owners should be made aware of this possible future road allowance widening.

(2) The solid board fence proposed along the north property line should be recessed a minimum of 3.0 m (prefer 5.0 m) from the widened road allowance limits of Dundurn Street and the plans should be revised accordingly.

(3) We require 5.0 m by 5.0 m daylight visibility triangles between the accesses and the street lines/property lines in which the maximum height of any object or mature vegetation is not to exceed 0.60 m above the corresponding perpendicular centreline elevation of the adjacent streets.

(4) The proposed cedar hedge along the north property line is not permitted within the Dundurn Street road allowance as widened. To provide appropriate sight distance for driveways, this cedar hedge should also be set back a minimum of 3.0 m (prefer 5.0 m) from the widened road allowance limits of Dundurn Street.

Cont'd...

Site Plan Control Application DA-96-12 for a Tim Hortons Double Drive-thru in Conjunction with the Existing Harvey's at 620 King Street West (cont'd)

(5) Any other works which may occur within the Dundurn Street road allowance, as widened, and the King Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.

(6) According to Reference Plan 62R-4453, it appears that Part 8 on this plan is an alleyway or a right-of-way and the applicant must resolve the status of this property through the approval of this site plan. Since part of Part 8 on Reference Plan 62R-4453 also forms part of the road widening dedication to the Region, clear title to the Region is required in the Certificate of Title to be attached to the road widening deed.

If there are any queries regarding the Roads comments please contact Mr. H. Groen at 546-4278. For questions regarding the servicing comments please contact Mr. H. J. Ho., P. Eng. at 546-2436 (sewer) and Ms. C. Brenner, P. Eng. at 546-4311 (water). Grading and drainage and questions should be directed to Mr. D. Waddell at 546-2434.

Charles A. Unelli

Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW/HG
attach.

Regional Municipality of Hamilton-Wentworth
Regional Environment Department
Development Agreements (Hamilton) - Guide for Estimating Security Requirements

ITEM	DESCRIPTION (examples only)	QUANTITY	UNIT COST	TOTAL
1. Asphalt Binder	"x" mm	m2 or tonnes	$/m2 or $/tonne	$
2. Aspahalt Surface	"x" mm	m2 or tonnes	$/m2 or $/tonne	$
3. Granular "A" Base	"x" mm	m2 or tonnes	$/m2 or $/tonne	$
4. Concrete Curbing	type "x" mm by "x" mm	m	$/m	$
5. Concrete Walks	"x" mm by "x" mm	m2	$/m2	$
6. Catch Basins	Single	number required	$/each	$
	Double	number required	$/each	$
7. Storm Sewers	Size	m	$/m	$
8. Road Cut/Repair	Size	m2	$/m2	$
9. Storm Manholes	Depth	number required	$/each	$
10. Retaining Walls:	Pressure Treated ("x" mm by "x" mm)	m2 of wall face	$/m2 of wall face	$
	Precast Concrete or Armour Stone etc.	m2 of wall face	$/m2 of wall face	$
11. Topsoil	"x" mm	m2	$/m2	$
12. Sod	No. 1 Nursery Sod	m2	$/m2	$
13. Fencing	1.5 m Chain Link	m	$/m	$
	1.8 m Chain Link	m	$/m	$
	1.5 m Pressure Treated	m	$/m	$
	1.8 m Pressure Treated	m	$/m	$
14. Brick or Concrete Paving Stones		m2	$/m2	$
15. P.S.T. and G.S.T.				$

TOTAL

Note: Landscaping items (ie trees, shrubs etc.) have not been included in the above noted guideline as these security requirements are under the review of the City of Hamilton Planning and Development Department. Please contact their Offices for details.

Depending on the specific details of the plans submitted and approved, securities may be required for additional items not noted in the above list.

BUILDING DEPARTMENT
71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-2720 / Fax (905) 546-2764

City of HAMILTON

FILE: DA-96-12
ATTENTION OF: S. Parker
TELEPHONE NO: (905) 546-2722

1996 July 16

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No. Rec'd JUL. 17 1996

TO	STAFF	INIT.	INFO.	ACT.
DIR.				
P.R. & A.				
NEIGH.				
DEV.				
E. & U.D.				
STAFF				
CART.				
ADMIN.				

PRESENT ZONING: H

Mr. V. J. Abraham, M.C.I.P.
Director
Planning and Development Department
c/o Chief Administrative Office

Attention: Joe Lakatos

Dear Sir:

RE: DA-96-12
620 KING STREET WEST

The above, under cover of your letter dated May 28, 1996, has been examined.

COMMENTS:

1. The parking spaces along the easterly lot line must be at least 12.0m from the northerly lot line.

2. The existing driveway access/egress must be maintained the minimum 26.62m from the northerly lot line as granted under Committee of Adjustment A-82:137.

3. The "Details of Development" indicates that a loading space is provided, but the actual site layout does not show the loading. If the loading space is provided, it shall not obstruct any parking spaces, manoeuvring space access driveway.

4. All dimensions shall indicate minimum/maximum.

5. Demolition approval is required to remove the residential buildings by the Planning and Development Committee under the Demolition Control By-Law.

Continued on Page Two .....

APPENDIX C

6. Demolition permits are required to be issued prior to removal of the residential buildings.

Yours truly

for the Building Commissioner

SKP/zr

DEPARTMENT OF PUBLIC WORKS AND TRAFFIC

City of HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
Received
JUN 03 1996

TO	INIT.	INFO.	ACT.
DIR.			
[illegible]			
NEIGH.			
DEV.			
[illegible]			
STAFF			
CART.			
ADMIN.			

1996 May 31

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Joe Lakatos

Dear Sir:

Re: DA 96-12
620 King Street West

In response to your letter of 1996 May 28, please be advised that we have reviewed the above application and have the following comments.

Our review of the submitted plan indicates a minor modification to the access to Dundurn Street. We approve of the modification of the access in principle, but the applicant should be advised that an application must be made to the Public Works and Traffic Department, Traffic Division for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location - i.e. poles, fire hydrants, trees, etc..

In addition, we recommend that the plan be modified to show the raised concrete curbs at the access to Dundurn Street terminating at the widened limits of Dundurn Street.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Roland Karl, P. Eng.
Manager of Traffic Planning

BF/kg

cc: H. Groen, Development Co-ordinator, Roads Department

HAMILTON 150TH BIRTHDAY 1996

APPENDIX D

6c i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: August 14, 1996
(HOU-GEN)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: Comments on "Tenant Protection Legislation - New Directions for Discussion"

RECOMMENDATION:

That the Minister of Municipal Affairs and Housing be advised that:

a) the City of Hamilton request that the Rent Control components of the proposed Tenant Protection Package not be enacted until such time that amendments be undertaken to ensure:

   i) an increase in the production of private affordable rental units;
   ii) a reduction in the amount of bureaucracy, red tape and confusion associated with the establishment of three separate rent control mechanisms (existing system, negotiated system for new tenants and no regulation for new buildings); and,
   iii) potential tenants are protected from discrimination during the negotiation period (eg. race, sex, income, etc.).

b) more detailed consultation with municipal building officials across Ontario is required in regard to the proposed legislative changes on property standards and maintenance;

c) the local municipality retain control of condominium conversions. If the Province is to proceed, the following additional requirements should be included:

   i) a period of not less than 2 years be given for extended tenure for existing tenants in condominium conversion proposals;

ii) a majority of the existing tenants must support the condominium conversion; and,

iii) the local vacancy rate be at a minimum of 2% as established by CMHC.

d) any legislative changes affecting care homes should be done with due diligence recognizing the vulnerability of the tenants in these homes and further consultation with providers, tenants and agencies.

e) that a copy of this report be forwarded to the Minister of Municipal Affairs and Housing to assist in the review of Tenant Protection Legislative changes.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The elimination of Rental Housing Protection Act approval will result in a loss of revenue for the Planning and Development Department, budgetted at $10,700 for 1996. It is also assumed that if the municipality is no longer approving RHPAs legal agreements will not be required. In addition, proposed maintenance aspects of the proposed legislation will have some impact on inspection and enforcement staff that cannot be estimated at this stage.

BACKGROUND:

In June, 1996, the Minister of Municipal Affairs and Housing released the document Tenant Protection Legislation - New Directions For Discussion (a copy is available from Planning and Development Department staff). Throughout July and August, public hearings are being held across the Province (including Hamilton on August 30) to allow interested individuals and organizations an opportunity to express their comments and concerns on the proposed Tenant Protection package.

As noted within the document, the Ministry of Municipal Affairs and Housing "*wants to reform the tenant-protection system to:*

- *protect tenants from unfair or double-digit rent increases, evictions and harassment and to provide strong security of tenure;*
- *focus protection on tenants rather than on units;*
- *create a better climate for investment in maintenance and new construction, therefore creating jobs;*
- *improve enforcement of property maintenance standards;*
- *provide a faster, more accessible system to resolve disputes between landlords and tenants; and,*

- *deliver a more cost-effective administration with less red tape."*

A number of broad discussion areas are noted within the document. A number of the measures propose relatively minor changes to existing legislation. Examples in this vein include changes/clarifications to the dispute resolution system between landlords and tenants, mobile home park and land lease communities and the Landlord and Tenant Act.

The more substantive broad discussion areas and the specific elements of the proposed Tenant Protection Program noted within the document include the following:

Rent Control

- *The current rent control guideline will be retained for sitting tenants. The 1996 guideline is 2.8 percent. It will be about the same in 1997.*
- *Rent increases for sitting tenants will continue to be limited to once a year with at least 90 days notice.*
- *Landlords will still require permission to raise rents above the rent control guideline.*
- *When a unit is vacated, the landlord will negotiate the incoming tenant's rent without regulatory restriction. Rent guidelines will once again apply when the unit is re-rented to a new tenant.*
- *Rent guidelines will not apply to new construction.*

Maintenance

- *The violation of a property standard will be made an offence. Currently, owners cannot be charged simply for violating a property standard, only for refusing to comply with a work order.*
- *The requirement that a notice of violation be issued prior to a work order will be removed.*
- *Property standards officers will be given more powers, including the authority to have a property inspected by a qualified expert when the owner does not provide sufficient information.*
- *A municipality's ability to recover costs will be improved. The recovery of monies would be made more certain by treating them as municipal taxes or allowing the municipality to place a priority lien on the property.*

Security of Tenure and Conversions

The Rental Housing Protection Act (RHPA) was introduced in 1986 in an attempt to prevent the loss of rental housing stock through conversion to other uses, demolitions and renovations. The Act requires municipal approval for conversions, demolitions and renovations, with approval criteria set out by the Province.

- *The focus of protection will change from protecting the unit to protecting the sitting tenants.*
- *Demolitions, major renovations and conversion of rental buildings to condominiums or cooperatives will no longer require municipal approval.*
- *Sitting tenants will be given extended tenure.*
- *Sitting tenants will have the right of first refusal to purchase their units in the case of conversion.*

Care Homes

Residents in care homes have unique needs and their relationship with caregivers has to be different than a typical landlord-tenant relationship. The current legislation does not recognize that special rules are needed for care homes and in some circumstances it has affected the quality of care. The new-tenant-protection legislation will cover care home residents and give them the consumer protection they need as tenants, while recognizing their particular needs, that is, care services to help them with the activities of daily living.

- *Residents will be entitled to give only 30 days notice of termination of tenancy if the tenancy requires change (e.g. if the resident requires a higher level of care).*
- *Care home operators will be entitled to:*
  - enter residents' units without notice to provide care or provide bedchecks;
  - transfer residents to alternative facilities when the level of care need changes;
  - fast track eviction cases for residents who pose a threat to other residents;
  - convert, renovate or demolish facilities as they see fit on the condition that they find alternative, comparable accommodation for residents.

Landlord & Tenant Act

- *Tenants will be allowed to sublet only with the landlord's permission.*
- *An enforcement unit will be established to investigate tenant complaints of harassment.*
- *Rent reduction applications for harassment will now be allowed.*

The Dispute Resolution System

Currently, rent control and other landlord and tenant disputes are resolved through two separate systems, independent of each other. Rent control issues are settled through a program of the Ministry of Municipal Affairs and Housing. Provincial courts handle other landlord and tenant disputes.

The government is proposing to create a new dispute-resolution system independent of the courts to adjudicate both rent control matters and other landlord and tenant matters. It will deal with rent increases and rent decreases, illegal charges, termination of tenancies, rent rebates and abatements of rent, and maintenance provisions.

Mobile Home Parks and Land Lease Communities

Mobile home parks and land lease communities have unique characteristics and have distinct operating circumstances. Tenants already receive the same protection as tenants in other rental accommodation, but the legislation doesn't recognize that special maintenance and operating provisions are needed.

The new tenant-protection package will be designed to recognize mobile homes and land lease homes as affordable ownership housing while providing residents with the rights and consumer protection they need as tenants.

COMMENT AND DISCUSSION:

Policy issues associated with rental housing in the Province of Ontario have a long, complex and frequently acrimonious history. Since the introduction of rent controls in 1975 as an anti-inflation measure, there have been various incarnations of rent "control" or "regulation" in the intervening years. Debate on rental housing policy issues typically feature the landlord lobby and the tenant lobby pitted against one another actively promoting their positions and concerns. The current debate on the Provincial Government's proposed Tenant Protection package is no different with both lobby sides actively participating.

What is particularly interesting about the current debate is that *both* lobby positions seem displeased with the Provincial Government's proposed Tenant Protection package. Staff have consulted with representatives of the Social Housing Action Committee (SHAC), a local community-based housing advocate group in Hamilton and the Fair Rental Policy Organization of Ontario (FRPO), a province-wide lobby group representing both small and large landlords to hear their concerns with the proposed Tenant Protection package (see attached).

The discussion below summarizes the key points raised by both sides on the major features of the proposed Tenant Protection package.

Rent Control

As noted previously, a key feature of the Tenant Protection package is that when a unit is vacated, the landlord will negotiate the incoming tenant's rent without regulatory restriction. However, the Rent Control guideline would once again apply when the unit is re-rented to a new tenant.

SHAC is arguing that because tenants are a highly mobile population, this feature would result in the entire rental housing market being decontrolled over a period of 5 years. FRPO has argued that this feature "perpetuates rent controls, suppresses rents for sitting tenants and continues to expect landlords to pay for what should be a social responsibility - the affordability problems of low-income people."

The "role" or "concern" of a local municipality such as the City of Hamilton in regard to rent control issues is not clearly defined. On one hand, citizens should not be subject to large rent increases which may jeopardize their housing situation. On the other hand, it is desirable to have an economic environment in which all business can prosper, invest monies and remain viable including landlords. Obviously, the task is to find that balance or compromise measure that allows everyone to be satisfied.

The City has adopted Official Plan policies to encourage a variety of housing forms with the particular aim of ensuring an adequate supply of "affordable" housing stock. An aging population, combined with the increase in lower paying service sector jobs for younger residents will result in a continued demand for rental accommodation. The City must ensure that there be a supply to meet this ongoing demand. Therefore, the following concerns need to be addressed in any new legislation:

- How will this legislation result in new rental construction? Current rental market levels make it unlikely newly constructed rental units can be produced at competitive market rental rates. "Breakeven" rents could be several hundred dollars a month higher than the current market levels for a similar existing rental unit. Even with the introduction of legislation, as proposed, it is unlikely that market conditions will shift enough to encourage substantial new rental construction. Landlords have stated that with a continued level of "control", new construction remains unlikely. Further incentives such as tax incentives, subsidies and non-profit/coop-housing allocations should also be considered to encourage affordable rental construction. Any new construction will be for higher end units for which controls are not necessary as residents have a wide variety of housing choices, including ownership. To this end it is suggested that new rental units need not be regulated, as recommended by the Province.

- How will the supply of affordable housing be maintained if there is a substantial decrease in vacancy rates? While vacancy rates have been generally healthy over the last few years (above 2%) they have been on the decline. Last measured by CMHC in October 1995, the City rate was 2.4%. If rates continue to decline, it will be difficult for tenants to relocate or new households to acquire affordable rental housing in the City.

- How will this legislation reduce "red tape", a principle of the new legislation? The existing system will stay in place and be used once a new rent is negotiated. In effect, 3 systems will be in effect; the status-quo for existing tenants, negotiated rents, and new buildings which will not be controlled. The result, a concern identified by landlords, is that this new system will perpetuate the existing bureaucracy and confuse tenants.

- How will potential tenants be protected from discrimination through a negotiated rental process? "Desirable" tenants will be sought by landlords and may be given rental breaks, whereas more "undesirable" tenants may have little opportunity for a "fair" negotiated process. While these legislative changes provide harassment protection for existing tenants, it does not assist potential tenants during the negotiation process.

The above concerns need to be addressed further by the proposed legislation prior to any further action with regard to the existing system.

Maintenance

The thrust of the Tenant Protection package in this area is on more stringent maintenance requirements for landlords. This is a positive element as the City has policies that encourage a healthy stock of rental accommodation. SHAC argues that "it is highly questionable whether the new enforcement powers are workable." FRPO noted on its comments on the maintenance aspects of the Tenant Protection package that "even the NDP stayed away from such logic-defying nonsense" and "could have the effect of discouraging communication between officers and landlords on maintenance issues, a real step backwards."

It is clear that the proposed Maintenance features of the Tenant Protection package will result in increased municipal responsibility and control of maintenance issues for all forms of rental housing. This will likely result in higher costs for all municipalities including the City of Hamilton but it is difficult to ascertain the extent of these costs at this stage. It would be preferable for staff of the Ministry of Municipal Affairs and Housing to sit down with respective municipal building officials across the Province to scope out the proposed changes, requirements and responsibilities in greater detail than that provided by the Discussion Paper to determine in a more accurate manner the cost implications for municipalities and allow for cost recovery mechanisms.

Security of Tenure and Conversions - Rental Housing Protection Act

Since the introduction of the Rental Housing Protection Act (RHPA) in 1986, the City of Hamilton has entertained over 30 applications under the Act. The majority of applications in the City are for permission to convert a rental apartment or townhouse complex to a condominium status. The experience of the City has been that the majority of tenants in buildings being considered for conversion to condominium are supportive of the initiative and desire to own their own unit. For tenants who want to stay as tenants, the City has required conditional approval to ensure that this occurs for a period of time.

What is particularly attractive about condominium conversions is that low-cost home ownership opportunities are being made available. In addition, the conversion of a rental building to condominium status frequently involves extensive renovation and upgrading of the individual units, the building and the grounds.

SHAC argues that "the virtual repeal of the Rental Housing Protection Act would result in the eviction of tenants from affordable rental housing" and "that changes to the Rental Housing Protection Act would deplete the already limited supply of affordable rental housing stock and would negatively impact on the City's ability to engage in proactive community planning." FRPO did not comment on this aspect of Tenant Protection package.

Municipal review and approval for rental conversions may have continued merit for the following reasons:

- It allows for a review of both macro and micro rental housing conditions. Condominium conversions are evaluated on the basis of existing vacancy rates. For example, on the Mountain where the vacancy rate is 1.0% condominium conversions have been of concern.

- Tenants are given further information through a tenant information meeting(s) and the opportunity to present concerns, questions and support at a formal public meeting.

- Special requirements can be incorporated as part of the approval process, specific the needs to each application. Normally, the conditions include first-right of purchase and extended tenancy, however, other conditions could include:

  - a set purchase price;
  - specified building improvements;
  - discounts and other financial incentives for existing tenants; and,
  - compensation for relocation of tenants.

- Local municipal control is maintained.

The Provincial Government's proposals in this area specifically state that existing tenants will be given extended tenure and will have the right of first refusal to purchase their units in the case of conversion. These options are consistent with the City of Hamilton approach to condominium conversions which have proved to be a successful compromise of respecting the desires of both the landlord and the tenants involved. Consistent with City of Hamilton practice, the extended tenure for existing tenants should be for a period of not less than 2 years.

An additional feature which has not been noted in the proposed Tenant Protection package but has been very important in assessing condominium conversion applications in Hamilton is the degree of support among existing tenants for the particular conversion. The support of existing tenants should be incorporated in any legislative amendments if the Province continues to proceed with its suggested changes.

Accordingly, the City should maintain its control of rental, condominium conversions. However, if the Province eliminates municipal approvals under the RHPA the following additional provisions are requested: 1) the extended tenure for existing tenants is for a period of not less than 2 years; 2) right of first refusal to purchase a unit is granted for existing tenants; 3) a majority of the tenants within the particular building/complex have indicated support for the conversion; and, 4) the local vacancy is above 2%, measured by CMHC.

Care Homes

In regard to the proposals for Care Homes, SHAC has noted it is important for the Provincial Government to recognize the vulnerability of the people who would be affected. Care homes represent a very different and unique component of the broad rental housing spectrum in a municipality and potential concerns and issues differ depending on the particular client group that

is being served by the care home, e.g., senior citizens as opposed to the psychiatrically disabled.

On the basis of these concerns, any legislative changes considered in the realm of care homes should be undertaken slowly and sensitively. Feedback and input from the many care home providers and their tenants is essential for a balanced Provincial response in this area.

CONCLUSION:

The Tenant Protection package proposed by the Provincial Government tries to recognizes the divergent opinions that form rental housing policy in Ontario and have strived to meet a balanced, compromise position for everyone involved. However, the concerns identified in this report must be fully addressed prior to any further action regarding rental controls, in consultation with all stakeholders.

With regard to the RHPA it is suggested that local municipal approval be maintained. However, if the Province continues to proceed, it is suggested that:

- a majority of existing tenants must approve of the conversion; and,
- the local vacancy be at a minimum level of 2% as established by CMHC.

Greater consultation is required with municipal building officials in regard to the implications of the proposed features associated with more stringent maintenance requirements. In addition, the Provincial Government should move slowly with any legislative changes affecting care homes considering the vulnerability of the tenants who typically reside in care homes.

BJ/fd

THE FAIR RENTAL POLICY ORGANIZATION OF ONTARIO

NEW RENT PROPOSALS A "SHOCK"

TORONTO, June 25, 1996. Ontario landlords are greatly disappointed and disillusioned by the Tories' new rent control proposals announced today. "This is not the fundamental change promised by Mike Harris' government. Owners, tenants and indeed all taxpayers of Ontario have been let down," says Philip Dewan, President of the Fair Rental Policy Organization, Ontario's voice for apartment owners and managers.

In the fall of 1995 the Minister of Municipal Affairs and Housing, Al Leach, stated "We will not continue with the rent control program. It doesn't work. It's not good for tenants. It's not good for landlords. We're going to get rid of the rent control program!" He explained that Ontario needs a system "where the market sets the rent" which will result in new rental construction, improved maintenance of existing stock and competition among buildings to give tenants "greater housing choices."

"The government has sold out on the concept of a functioning market place as the best protection for tenants' interests," Dewan continues. "Under these proposals, bureaucrats will still set the rent for most units, not the market. The goal of a swift, efficient, low-cost system has been abandoned in favour of more of the same red tape we have seen for 20 years."

The new package with its bureaucratic guidelines, provisions for capital expenditures and rent reductions varies little from the NDP and Liberal legislation. Ironically, the Tory program is far more restrictive and less consumer-oriented than the NDP version in B.C., which Minister Leach has alluded to as a model. "Perhaps worst of all," states the FRPO President, "the proposals fail to foster communication and negotiation between landlords and tenants — the key to an effective market-based system."

On the maintenance side, dangerous new changes mean landlords will now automatically be in violation of property standards when a maintenance problem occurs, even when the landlord is not informed about the concern by a tenant. The very existence of peeling paint in a unit, which can breech a property standard, becomes an immediate offense — whether or not the landlord has been contacted. Not even the NDP dreamed up a situation where apartment owners could be fined up to $50,000 for situations without prior notice or the opportunity to rectify the problem.

By not allowing the market to determine rent increases, owners of buildings with significantly below-market rents are offered no relief. These are often older buildings requiring major restoration work but their low rental-income stream makes it difficult to raise the funds required to do the job. The traditional rent control legacy of suppressed rents at the expense of choice and maintenance is inevitable in this sector.

It appears the Tories are prepared to do what is necessary to fix Ontario's problems when it comes to welfare, health care or labour policies — but not housing reform. "Will this program achieve the Minister's stated goal of a market-based system where tenants will have real choices?" asks Dewan. "Definitely not. Nor will it meet the government's broader goals to 'create a climate for private sector job creation, investment and economic renewal...and signal to the world that Ontario is open for business again.' Only if there are substantial improvements coming out of the public hearings can those objectives be salvaged."

The Fair Rental Policy Organization of Ontario is a province-wide association of apartment owners, managers and investors. Members range from single condominium-unit owners to large multi-unit property management companies.

For further information contact:
Carol Weinbaum
Director of Public Affairs
(416) 961-3698

JUNE 1996

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THE VOICE OF THE FAIR RENTAL POLICY ORGANIZATION OF ONTARIO

PRESIDENT'S PERSPECTIVE



Philip Dewan

New proposals to reform Ontario's outdated rent control system announced on June 25th, 1996 failed to deliver on the promise of a market-based system. Despite repeated comments during the fall session that rent controls don't work — for tenants or landlords — and would be replaced, the Tories have surprised the business community by continuing with bureaucratic restrictions in their suggested program.

The key problem with these half-way measures is that they won't achieve the government's stated goal of a system "where the market sets the rent" thereby encouraging investment in new rental construction and renovation of the existing housing stock. Only a functioning market will create competition and service and give tenants "greater housing choices," another desired objective.

This is not to say there are no positive aspects to the proposals. Compared to the status quo, the government is proposing significant improvements in terms of the ability to move to market on vacancy, new rules for capital expenditures and elimination of the Rent Registry, among others. However, these changes are more modest than could have been expected from a self-proclaimed "revolutionary" Conservative government and are undermined by regressive proposals concerning maintenance and legal maximum rents. And in some important areas, notably the mechanics of the new delivery system and changes to improve the operation of the *Landlord and Tenant Act*, the government is virtually silent.

As well as disappointing landlords, the new package has been decried by tenant activists as "the end of rent controls" (though they must be secretly pleased that it doesn't go as far as expected). Typically, the media does not understand the real implications of these proposals and is confused by the fact that neither side is pleased. If no one is happy, why is the government doing this, they ask.

Public hearings in August will be the industry's major opportunity to improve on these proposals. It will be crucial for FRPO members and our allies to write and visit MPP's in advance, send in written comments and attend the Committee hearings, both to provide support to landlord speakers and to present. We'll be providing members with all the required information every step of the way; but, there really isn't much time since the government wants to wrap up consultations by August 30th, 1996. This entire issue of the newsletter is going to focus on what should have been the biggest breakthrough for rental housing in this province in the last two decades — and still could be, if the industry keeps up the pressure. Let's start with some commonly asked questions and try to identify the pros and cons in the new policy package:

SPECIAL ISSUE

NEW RENT CONTROL REFORMS

PAGE 5
PROS AND CONS OF NEW RENT REFORM PROPOSALS

PAGE 6
THE PUBLIC CONSULTATION PROCESS

HAVE RENT CONTROLS BEEN ABOLISHED?

Absolutely not. Make no mistake about it. This proposal *perpetuates rent controls*, suppresses rents for sitting tenants and continues to expect landlords to pay for what should be a social responsibility — the affordability problems of low-income people.

Even though the Tories spent all last fall saying that "rent controls don't work" and "would be replaced with market-function," suddenly in this discussion paper they have decided that "there are many aspects of rent control that work." *So,*

unlike in a free-market system, there will still be a *guideline;* in fact, the current guideline formula will be retained for sitting tenants. The guideline for 1996 is 2.8 per cent and it is expected to be about the same for 1997.

FRPO had advocated transitional measures, recognizing that it would be politically and economically unwise to move to a free market overnight given the legacy of 20 years of controls. The big disappointment is that the PC's have proposed not only a permanent approach, but a continuation of the NDP program, which contains elements of the most rigid and restrictive rent control system in North America.

In what other ways are rent controls continuing?

Rent increases for sitting tenants will continue to be limited to once a year with at least 90 days notice. Landlords will still require approval to raise rents above guideline and grounds for increases remain limited to capital expenditures and increases in extraordinary operating costs for municipal taxes and utilities. *Capital expenditure* increases will be capped at four per cent above the guideline and the two-year carry

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forward provision will be continued.

The Tories are preserving the NDP concept of *rent reductions* (or abatements) for "serious inadequate maintenance," extraordinary decreases in municipal taxes and reduced or withdrawn services. And, the notion of illegal charges (i.e. a deposit for a security card) and illegal rent increases remains. So much for the idea of market-function and the ability of landlords and tenants to negotiate value and service between themselves...

What is particularly new in this proposal?

The item which received the most notice from the press is what is being referred to as *vacancy decontrol*. We prefer to call it decontrol-recontrol. When an apartment unit becomes vacant, the landlord will be able to set a new rent according to market conditions — which may be good, bad or indifferent. The new rent is then controlled as described above.

New construction will be forever exempt from rent controls. (We have heard that before, starting with Bill Davis in 1975, so we will be interested in seeing what sort of guarantees the government offers.) The process for dealing with rent applications and landlord/tenant matters will be unified through a *new dispute-resolution system*, independent of the courts, the format of which is the largest consultation issue of the public hearings.

The new system will allow full pass-through for *extraordinary operating costs* i.e. taxes and utilities, and there will no longer be a two per cent penalty for capital applications. Moreover, landlords and tenants will be able to *negotiate above-guideline increases* on their own up to the level of the cap.

In order to encourage major renovation and/or redevelopment of Ontario's aging housing stock for rental or condominium use, the *Rental Housing Protection Act (RHPA)* will be eliminated. In continuing with the theme of protecting sitting tenants, the government intends to give existing tenants extended tenure and rights of first refusal; and, is looking for further comment on these matters.

What are landlords' concerns?

Landlords will be losing their *legal maximum rents* when they set a market rent on a vacant unit. Market rent may be substantially below the unit's legal maximum, but the landlord will then be locked into the rent control system with the ability to catch up when the market improves limited to subsequent turnover.

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It is feared that lenders will react badly to the loss of legal maximum rents and the upside opportunity they represent, as well as the ***continuation of rent reductions.*** Both concepts destabilize the rental-income stream and prevent the landlord from capitalizing when the market is good, making this system skewed to the downside.

All landlords, whether at market or not, will be subject to more ***stringent maintenance requirements.*** The violation of a property standard will be made an offence (rather than the violation of a work order) and search warrants will be able to be obtained where there is reason to believe sub-standard conditions exist. All this applies even when the landlord is not informed about the concern by a tenant. Fines have been increased so that now it will be possible for apartment owners to be fined $50,000 for situations where they've had no prior notice or the opportunity to rectify the problem. Even the NDP stayed away from such logic-defying nonsense.

Property standards officers will no longer be required to issue a ***notice of violation*** warning prior to a work order. Although officers could still choose to issue an informal warning, this change could have the effect of discouraging communication between officers and landlords on maintenance issues, a real step backwards.

There is a valid concern amongst landlords that with these rent reform proposals the government is *segmenting* the industry in an arbitrary fashion. In fact, three new markets are being created: 1) new buildings, where rents can be raised or lowered as required to compete in the market; 2) units with sitting tenants, where rules similiar to the status quo will prevail, with an annual guideline plus improved capital expenditure pass through rules, substantially tightened maintenance provisions and the ability to raise rents back to to the current legal maximums if market conditions improve; and 3) units which become vacant after the passage of the new act, where landlords can move rents to market but permanently lose higher legal maximum rents if conditions do not allow them to be charged. The potential for tenant unrest as some feel they are paying a premium over others for the same accomodation is obvious.

What are tenants' concerns?

Vacancy decontrol and the ***repeal of the RHPA*** are the two main areas of concern for tenant advocates, who will be fighting strongly against these revisions during the public hearings. They see no reason for the government to encourage investment in new rental supply — they don't believe there will be any. Instead, they foresee landlords evicting tenants en masse in order to raise the rents or demolish the building or convert to a condominium.

These fears are unfounded for a number of reasons. First, landlords hate vacancies and all the marketing, leasing and unit rehabilitation costs associated with finding a new tenant.

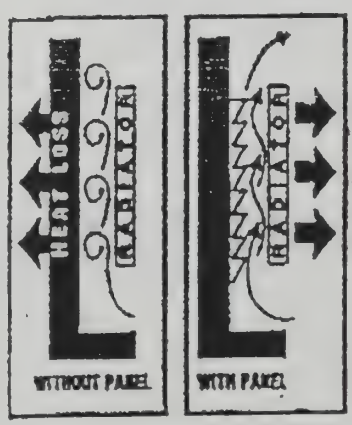
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They are hardly likely to want to get rid of a good tenant who pays the rent on time and takes care of the property to gain a few dollars more, when weighed against the attendant costs and risks of a tenant who may not pay the rent at all. Further, it is estimated that 50% of apartments in Toronto and the vast majority of units in the rest of the province are renting at market anyway, so there is little incentive for mass evictions.

For those who don't believe the above there is a second reason to not fear these proposals: The new legislation will contain *strict anti-harrassment controls* to protect tenants. There will be a special enforcement unit to investigate and fast-track tenant complaints with enormous fines and rent reduction penalties on conviction.

Can we realistically expect any changes?

Yes, yes, yes. We need to demonstrate with clear examples why changes are needed to make this program work. It is up to us to show exactly what amendments will allow the government to meet its goals of encouraging investment in rental housing and increasing choice for tenants.

This is a consultation process. The government says it is open to all comments; in particular, those that address the questions raised in the consultation paper and those that make things less complex.

Our industry has much to offer to make this opportunity for change the success it should be. Let's put all our efforts into it this summer to make it right!

Pros and Cons of New Rent Reform Proposals

Pros

It is worth remembering that although these proposals do not go nearly as far as we would like, they do represent an improvement from the status quo. The major benefits include:

- ***The ability to achieve market rent on turnover.*** When a tenant vacates, the landlord may charge the going rate for the unit, regardless of the previous rent level. The incoming tenant is then protected by the control system.
- ***Elimination of the Rent Registry.*** The absence of a Rent Registry will make it virtually impossible for any future government to reimpose strict controls based on former rents.
- ***Repeal of the RHPA.*** This is expected to be an area of significant attack by decontrol opponents during the summer hearings. However, the removal of RHPA restrictions on condominium conversion and demolition is a good thing and will allow more economic use of buildings with below market rents (if they are in areas of significant demand).
- ***More realistic capital rules.*** The combination of a higher cap of 4 per cent, elimination of the 2 per cent penalty when claiming capital, a continued two-year carry forward (3 years in total, at 4 per cent each) and the expected removal of unrealistic interest rates and amortization tables which further impeded capital claims should all have a dramatic impact on the ability to actually fund capital improvements.
- ***Full pass through of extraordinary operating cost increases.*** While this will not affect many landlords, for those caught with huge property tax increases or other causes, it is a recognition of the fact that these factors are entirely out of their control.
- ***Elimination of costs-no-longer-borne.*** Removing this unworkable requirement that rents be reduced once amortization periods expire is a welcome move.
- ***No rent reductions for decreased utility costs.*** This change will allow landlords to invest in energy and water conservation without losing the savings in rent reduction applications.
- ***Sublet rules clarified.*** Tenants will be allowed to sublet only with the landlord's permission which can be witheld for reasonable cause, including wanting to raise the rent to market.

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Cons

There are a number of very significant concerns with these proposals. To achieve changes after the government has made such a public statement will require a forceful, concerted effort during the public hearings.

• ***No adjustments for below market rents.*** FRPO has lobbied and will continue to argue for the ability to justify rent increases based on market comparisons, both external and internal. This would help buildings with chronically depressed rents and widely varying rents for similiar units. The government says they don't know how to administer such a mechanism without involving appraisers and subjective opinions. We need to find an acceptable administrative solution for them, such as using a minimum dollar increase for rents as opposed to just a percentage increase.

• ***Elimination of legal maximum rents on first turnover.*** This is a huge blow to many landlords with below market rents in soft markets. It limits their flexibility in recovering previous expenditures through rent increases when the market improves. Instead of being able to raise rents up to the maximum whenever the market will allow, landlords will be able to increase each unit only as vacancies occur. By suppressing rents in this way, the government is showing their lack of understanding of the nature of risk in this industry.

• ***Continuation of provision for rent reductions.*** The concept of reductions for "serious inadequate maintenance" is inevitably counterproductive in that by permanently reducing the rental income on the property you remove the cash flow needed to to correct the problem. We will be arguing for a temporary rent abatement until the problem is corrected as a positive incentive to do the work and thereby restore income.

• ***Stricter maintenance enforcement.*** By making the breach of a property standard an offence (regardless of whether the landlord is aware of it), the government is going against the principle that landlords should be given notice of a problem and reasonable time to rectify it. We will be fighting to maintain open lines of communication and more appropriate penalties.

The Public Consultation Process

It is vitally important that landlords take advantage of two avenues for offering comments on the tenant protection legislation proposals in order to affect change:

WRITTEN COMMENTS can be sent to the Minister and must be received by Friday, August 30, 1996. Write to:

The Honourable Al Leach
Minister of Municipal Affairs and Housing
"Tenant Protection Legislation — New Directions for Discussion"
Ministry of Municipal Affairs and Housing
777 Bay Street, Toronto, Ontario, M5G 2E5

CONTINUED ON PAGE 8

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SOCIAL HOUSING AND ACCESS COMMITTEE

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CHANGES TO RESIDENTIAL TENANCIES LEGISLATION: IMPLICATIONS FOR HAMILTON

July 3, 1996

Prepared for
City of Hamilton, Planning & Development Committee

by
Social Housing & Access Committee

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Addendum — *City of Toronto, Housing Department Report to Neighbourhoods Committee, February 8, 1996*

Introduction

The Social Housing & Access Committee (SHAC) is a coalition of housing providers, housing services, tenants and interested citizens concerned with the provision of and access to housing in Hamilton-Wentworth. SHAC advocates for fair housing legislation and is particularly concerned with access for households with low incomes or special needs.

The Government of Ontario is planning an amalgamation of several pieces of Provincial legislation which affect rental housing and tenants. These changes, described as a "Tenant Protection Package" are outlined in the Ministry of Municipal Affairs and Housing's discussion document entitled *"New Directions"*. SHAC has some serious concerns about how the affordable rental housing stock in our community will be affected. Of particular concern are potential changes to the Rental Housing Protection Act, the Rent Control Act and the Landlord and Tenant Act.

The Government of Ontario will be holding public hearings on the proposed changes this summer (August 26 and 27 in Hamilton). Legislation will be introduced in the House in the fall.

Purpose of Report

The purpose of this report is to examine the impact of proposed changes to provincial housing legislation on the City of Hamilton.

SHAC is asking the City of Hamilton to pass the following resolution:

> **Whereas tenants represent 40 per cent of the households in the City of Hamilton,**
>
> **And whereas the Government of Ontario is proposing changes to legislation affecting residential tenancies which will financially hurt tenants by removing the current limits on increases in rents;**
>
> **And whereas the Government of Ontario's proposals will reduce the stock of affordable rental housing through vacancy de-control and the elimination of municipal control over the preservation of existing stock;**
>
> **And whereas the Government of Ontario's proposals make tenants more vulnerable to harassment;**
>
> **And whereas the Government of Ontario's proposals could weaken the financial viability of the City of Hamilton;**
>
> **And whereas the Government of Ontario's proposals will increase costs to the City of Hamilton in a time of reduced provincial transfer payments;**
>
> **Therefore the City of Hamilton calls upon the Provincial Government to leave in place the Rent Control Act, the Rental Housing Protection Act and the Landlord and Tenant Act.**

SHAC is also asking that the City of Hamilton to make a presentation to the Standing Committee on General Government supporting the Rent Control Act, the Rental Housing Protection Act and the Landlord and Tenant Act during the August public hearings in Hamilton.

"Tenant-Protection Package"

The goals of the proposed Tenant-Protection System are set out in the Ministry discussion paper "New Directions":

- protect tenants from unfair or double-digit rent increases, evictions and harassment and to provide strong security of tenure;
- focus protection on tenants rather than on units;
- create a better climate for investment in maintenance and new construction, therefore creating jobs;
- improve enforcement of property maintenance standards;
- provide a faster, more accessible system to resolve disputes between landlord and tenants;
- deliver a more cost-effective administration with less red tape.

No one can disagree with these goals. In a healthy community these goals are commonly shared by many stakeholders. While the language of the discussion paper is attractive, we must be careful not to be misled by semantics. The impact of the suggested changes must be understood and our review shows that the proposals are anything but benign.

Many unsubstantiated assumptions are used to justify a package of amendments. One fundamental assumption is that the removal of rent controls will result in the building of new rental housing stock yet a 1995 Hamilton-Wentworth report concludes that the private sector will not build affordable rental housing in the event that rent controls are lifted.

The consultation process proposed will not address the assumptions which underline the proposals. The Ministry's framework for the new system is clearly set out and consultation will only allow for tinkering with identified details within the proposed model.

As we set out our concerns related to the specific pieces of legislation, we will address these underlying assumptions.

Rental Housing Protection Act

The Rental Housing Protection Act is intended to preserve rental housing stock by allowing municipalities to determine whether rental units can be converted to other uses. This legislation is enforced and administered by municipalities. Any landlord who wants to convert rental units to another use must apply to the municipality for permission to do so.

This has important consequences for the local planning process. Last year the City of Hamilton received approximately 10 applications to convert under the Rental Housing Protection Act. This was an exceptionally large number, perhaps in response to speculation about legislative changes. In prior years the City of Hamilton has averaged about 3 applications per year under the Act.

The virtual repeal of the Rental Housing Protection Act will result in the eviction of tenants from affordable rental housing as landlords seek opportunities to convert rental units to condominium or other uses. This is the context of the discussion paper's presentation. At page 10 of "New Directions" it is stated that "demolitions, major renovations, and conversions of rental buildings to condominiums or cooperatives will no longer require municipal approval".

It is our position that changes to the Rental Housing Protection Act would deplete the already limited supply of affordable rental housing stock and would negatively impact on the City's ability to engage in proactive community planning. For example, revitalization of the downtown core will be hampered by unilateral decisions of individual landowners which may be inconsistent with needs of the community.

To date the City of Hamilton has had the opportunity to investigate the impact of converting rental units to other uses and has been able to mitigate some of the potential damage to tenants through its enforcement of the Rental Housing Protection Act. In some cases the City has negotiated reduced or waived rents for tenants. In other situations the City has approved conversions with existing tenants being able to remain as tenants until they choose to leave. In short the City of Hamilton has taken positions which permit reasonable conversions while protecting both tenants and the supply of affordable rental housing.

The depletion of the affordable rental housing stock has a financial impact on the City. To be competitive, Hamilton needs affordable housing for its work-force in order to attract and retain new businesses and without a mix of housing the very character of our community is jeopardized.

Rent Control Act

Under existing rent control legislation, landlords are allowed an annual 'guideline' rent increase. The guideline increase is determined by the rate of inflation and a standard 2% increase for repairs and maintenance. This increase is automatic as long as landlords give tenants the proper notification of the increase. In 1996 the guideline increase was 2.8%.

Should landlords find they require a further increase in order to make repairs they can apply for an 'above the guideline increase'. Tenants are given an opportunity to respond to all applications for increases above the guideline.

The proposed amendments to the Rent Control Act would preserve the above system but only for as long as the tenant remained in his or her unit. The unit itself would be de-controlled on vacancy. Essentially, if you remain in your unit, you are protected, but if you leave, your protection leaves with you. The rent for the vacant unit becomes subject to market forces and once it is established with a new tenant, it is protected by the existing rent control mechanism until vacant again.

Tenants are a highly mobile population. As relationships change, families grow, physical needs change, people begin new jobs or go back to school, tenants must leave their current rental accommodation. The Provincial Government's own Lampert Report (Fall 1995) showed that one in four tenant households move annually and that during a 5-year period there is a 70% turnover. **In effect, the rental housing market is de-controlled in 5-years.** The proposals stagger the process but the impact on affordability is the same. Although the goal is to focus protection on tenants, the reality is that there is no tenant protection in the long term.

Economic Discrimination

The loss of rent control would severely limit tenants' ability to access affordable accommodation. Some estimates place pent up demand for rent increases at 20% which would mean that rents would rise by that amount should rent controls be lifted. Few tenants can afford such increased rents. There is no articulated protection from double-digit rent increases on vacancy despite the stated goal.

It is estimated by the Ministry that 80% of social assistance recipients rent in the private market. As well, 30% of all tenants are receiving social assistance. In October, 1995, social assistance shelter allowances were reduced by 21.6% with the result that most social assistance recipients are already spending more than their maximum shelter allowance.

In the *Hamilton-Wentworth Housing Statement Update 1995* reference is made to a 1992 study of general welfare assistance clients which showed that "over one-third spent over 70% of their income on shelter, while only 15% spent 30% or less (the level generally considered affordable). The region's Department of Social Services conducted a similar profile in the Fall of 1995, and found that the situation would worsen, as a result of the reductions to General Welfare Assistance benefits." (Page 5)

The local impact of the loss of rent control would be that fewer tenants would be able to meet their housing needs and a housing crisis unlike any we have seen in years would result.

Harassment

Vacancy de-control by its very nature provides an incentive to evict tenants. The Ministry acknowledges that harassment will result for tenants with its proposal of a harassment unit to deal with the expected problem. Again, the notion of a "Tenant Protection Package" must be seriously questioned.

CMHC's Hamilton Rental Market Report for October, 1995 lists the vacancy rate at 2%. The vacancy rate projected for October, 1996 is 1.8% and 1.6% for October, 1997. In a tight rental housing market, tenants are particularly vulnerable to landlord demands. In the *Hamilton-Wentworth Housing Statement Update 1995*, discussion around developing a more competitive housing market acknowledges that the vacancy rates must be at least 3%, otherwise tenants will be held "captive" to particular landlords. (at page 51)

Rental Housing Stock

As mentioned above, the main justification for the removal of rent controls is to stimulate the building of new rental housing stock. Under the current Rent Control Act new residential rental accommodation is free from rent controls for the first 5-years. Despite this moratorium there has been virtually no new rental housing stock built in the province by the private sector in recent years. "Much of the apartment housing stock that was built in the 1960s and 1970s, and that now houses a significant percentage of low income households in cities like Hamilton and Toronto, was financed with federal tax breaks and below-market loans."[1] It appears that rental housing development has never been lucrative for the private sector, so there is no basis for the underlying assumption that the removal of rent controls will lead to the building of new rental housing stock.

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[1] *Hamilton-Wentworth Housing Statement Update 1995, Section B at p.46*

Many other factors play a more important role in the equation than rent control. "A consultant for the development industry has estimated that the current 'breakeven' rent for a newly constructed apartment unit is at least $300.00 - $400.00 above existing rents in the market, due to land, construction and other costs".[2] It was concluded in the Toronto report to the Neighbourhoods Committee that any new housing which might be built is likely to be in the form of condominiums, some of which may be eventually rented at the high-end of the market.

In the *Hamilton-Wentworth Housing Statement Update 1995* there is discussion related to providing housing for people with low incomes and special needs. It is stated that:

> Over the past 20-years, developers have tended to avoid the low end of rental market completely while public sector developers have become accustomed to developing only when huge operating subsidies are available. With the elimination of the large public housing programs, it is naive to assume that the private sector will simply step in to fill the gap; in fact, the levels of risk and low returns on investment associated with building housing for low income tenants may mean that the private sector has little reason to enter the market at all. (at page 51).

The apparent result of the Tenant-Protection Package is the serious depletion of affordable rental housing due to vacancy de-control and the elimination of the Rental Housing Protection Act safeguards, in conjunction with the Ministry's 1995 decision to curtail expansion of the non-profit sector. This has serious financial ramifications for the City of Hamilton which depends upon affordable housing for its workforce and as stated above, its ability to make Hamilton an attractive market for investment.

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[2] *City of Toronto, Housing Department Report to Neighbourhoods Committee, February 8, 1996 (See Addendum)*

Maintenance

The accompanying assumption to new construction with the elimination of rent controls is that maintenance will be improved. The Ministry's discussion paper focuses particular attention on the alleged strengthening of maintenance enforcement. Enforcement Officers are to be given additional powers, the violation of a property standard will be made an offence, the administrative process is to be expedited and maximum fines are to be increased on conviction. The emphasis is on increased municipal responsibility and control of maintenance. However, with the responsibility comes higher costs for the municipality.

Under the current scheme, Enforcement Officers with the municipality have found the court route of imposing maintenance standards cumbersome and ultimately non-productive. It is labour intensive and without the establishment of a minimum fine, the pursuit of individual cases often results in minor fines on conviction. There is no suggestion that an increased reliance on the courts will improve maintenance and such reliance runs counter to the argument elswhere in the discussion paper that the court system should be eliminated for landlord and tenant matters.

It is highly questionable whether the new enforcement powers are workable. At the same time there is no suggestion that they will create an incentive to make repairs. The discussion paper specifically eliminates the most proven incentive to date which is the Order Prohibiting Rent Increases. This Order is served on landlords automatically when they are found to be in violation of property standards. Until the work is completed rent increases are severely limited and in practice this has meant more attention to maintenance by landlords.

Another named benefit of increased maintenance is job creation but this is clearly offset by reduced affordability. Those units which are in the worst condition will, therefore, require the most investment and many will become less or unaffordable to most tenants.

It would appear from the discussion paper that it is only possible to have good maintenance with less affordable rent. There does not seem to be an attempt to "balance" the interests of landlords and tenants in this area.

Landlord and Tenant Act

"New Directions" contemplates the removal of landlord and tenant disputes from the courts on the basis that the existing system is too complex and time consuming. The weekly hearings of landlord and tenant applications in Hamilton take place generally without representation for either party and evictions can be accomplished efficiently with attention to the rules.

The suggested option for dispute resolution is mediation. This method of adjudicating disputes between the parties results in the privatization of public rights so that landlords and tenants do not have the benefit of jurisprudence and the province ends up with a patchwork of inconsistent decisions. There is also a suggestion that appeals may be reduced with these changes further limiting the rights and responsibilities of both parties.

The implementation of an alternate dispute resolution model, such as mediation, also politicises the decision-making process because an adjudicator could be appointed by the Province. This has its own inherent dangers.

Conclusion

As this analysis of the proposed omnibus legislation effecting residential tenancies shows, the assumptions which underlie the recommendations for change are unproven. There is a need for a comprehensive assessment of impacts on stakeholders, the supply of affordable rental housing and the financial health of this City. Consultation must take place to ensure that the premise of new affordable housing construction is confirmed with realistic commitments from the private sector.

Accordingly, we ask the Committee to recommend City Council's passage of the contained Resolution.

CITY OF TORONTO
HOUSING DEPARTMENT
PLANNING AND DEVELOPMENT DEPARTMENT

February 8, 1996

To: City of Toronto Neighbourhoods Committee

Subject: Potential Impacts of the Removal of Rent Control and Rental Housing Protection Legislation

From: Acting Commissioner of Housing and Commissioner of Planning and Development (p:\1996\ug\hsg\nh960006.hsg) - lp

Origin: City Council, November 27 and 28, 1995

RECOMMENDATIONS:

1. That City Council urge the Province of Ontario to abandon its proposal to repeal or amend the Rent Control Act, the Rental Housing Protection Act, and the Landlord and Tenant Act.

2. That, should the Province of Ontario continue with its plans to eliminate rent control and replace it with "tenant protection" legislation despite strong appeals from City Council and other concerned agencies and individuals, City Council strongly urge the Province to first undertake:

   a) an independent, comprehensive assessment of the full impacts these changes would have on:
      - low to moderate income tenants, including single parents, the elderly and persons with special needs;
      - the scarce supply of affordable housing in Toronto and urban areas; and
      - the financial health of the City of Toronto, which depends upon affordable housing for its work force and its ability to attract and retain new and varied businesses.

   b) a thorough consultation process to hear the concerns and views of all interested parties, including:
      - stakeholders such as the City of Toronto and other municipalities, tenant organizations such as the United Tenants of Ontario, the Federation of Metro Tenants Association and Metro Tenants Legal Services, and other housing and community service organizations, who will be adversely affected if rents increase;
      - developers and landlords, both large and small, to ensure that the premise of new affordable housing supply is confirmed with realistic commitments from the private sector; and
      - the business community in Toronto, to better understand the potential economic consequences.

EXECUTIVE SUMMARY:

Purpose of this Report

This report was prepared jointly by the Departments of Housing, and Planning and Development in response to City Council's request for an assessment of the potential impacts of removal of rent control.

Specifically, staff were asked to examine: the potential effect on the supply of rental housing in the City of Toronto; the potential for economic evictions; and the impact on economic development in Toronto.

Proposed Changes to Rent Control and Other Legislation

Comments made by the Minister of Municipal Affairs and Housing suggest that the Province would like to phase out rent control within the next two years, and replace current rent control regulations with new "tenant protection" legislation. Information available to date suggests that the Province may be considering the following changes:

- Lifting of rent control on all luxury or high-end rental housing (including rented condominium apartments and townhouses), immediately;
- Extending indefinitely the exemption of new rental buildings from rent control;
- Continuing rent control on the existing low-end rental stock until 1997, when a new "tenant protection" system is scheduled to be in place;
- Introducing a tenant-initiated arbitration system in the "tenant protection" legislation to settle disputes about rent increases and other rental matters;
- Protecting people with special needs such as the elderly and disabled by continuing rent control indefinitely for such tenants;
- Amending or eliminating the Rental Housing Protection Act to allow for conversion of rental apartments to non-rental uses with some form of protection for tenants.
- Moving some provisions of the Landlord and Tenant Act, related to maintenance and repair, rent increases and non-payment of rent, to the new Tenant Protection Act.

To date no public consultations have been held on the changes being considered by the Province. Recently, however, the Minister has suggested that he may seek tenant input before making legislative changes.

Potential Impacts of Removing Rent Control

The changes being considered by the Province would effectively remove any ceiling on rent increases for most tenants, and make it easier to convert rental buildings to condominium or other uses. While the proposed "tenant protection" measures will allow for arbitration/mediation of rent increases, the onus will be on tenants to initiate the arbitration process. As well, technical support provided by groups such as the Federation of Metro Tenants Associations and Metro Tenants Legal Services may be severely limited due to funding cuts. If there is no application for arbitration from a tenant, a landlord would automatically be entitled to the rent increase he/she wants. The decision from the arbitrator may or may not be in the tenant's favour, and it is unclear whether tenants will have the right to appeal the decision. In this regard, the removal of rent control would appear to be disadvantageous to tenants.

The Supply of Rental Housing

Essentially, without legislation that controls rents and protects the rental stock, there is the potential for significant rent increases and conversion/demolition to other uses. The potential for loss of existing affordable housing in the short term far outweighs the potential for creation of new stock by a hesitant development industry.

The removal of rent control would not likely result in significant increase in new private rental construction in the short term. A consultant for the development industry has estimated that the current "breakeven" rent for a newly constructed apartment unit is at least $300-400 above existing rents in the market, due to land, construction and other costs. Evidence from B.C. suggest that rent control is not a critical factor in determining whether rental buildings will be built. In fact, there are a number of barriers that serve to make the construction of new rental housing uneconomic at this time. Even if new housing is built it is likely to be in the form of condominiums, some of which may be eventually rented at the high-end of the market.

Potential for Economic Eviction

The historical experience in Toronto and in Vancouver, where controls were lifted, is that in the absence of effective rent increase ceilings, changing market conditions can result in high rent increases for parts of the rental stock. It was in fact such conditions that led to the initial introduction of rent control in Ontario in 1975. In the late 1980's and early 90's, when Ontario's rent control system provided a guideline, but no cap, the average approved annual increase on applications to exceed the guideline ranged from 9.3% to 24.7%. Some buildings in Toronto had approved increases exceeding 30% in one year.

In a tightening rental market, such as that which now exists in Toronto, there is likely to be upward pressure on rents for many buildings. This could have a major negative impact on the affordability of rental housing. For example, data from the 1991 census indicates that 34% of tenants or 56,660 households in the City of Toronto were already paying more than 30% of their income on rent. About 47% or 77,250 tenant households spent more than 25% of their income on shelter.

In addition, it is estimated that at least one third of all private renters are receiving social assistance, many of whom have seen their benefits reduced within the past year. Many others are on fixed incomes from unemployment insurance or pensions. Despite assurances from the Province, it will be very difficult to protect specific populations such as seniors and the disabled from potential economic or other legal evictions. Furthermore, we suspect that some landlords may be reluctant to rent to seniors and disabled persons in the first place, if rent increase restrictions apply only to units occupied by such tenants.

As well, changes to the Rental Housing Protection Act may result in opportunities for eviction of tenants as landlords seek to convert their rental buildings to condominiums and other uses for financial reasons. This situation could also be exacerbated by an increase in demolitions and extensive renovations.

Economic Development

The removal of rent control could affect economic activity in a number of ways. The potential impact in these areas is large; however, little information is available to assess the impact. Given the potential for negative effects, noted below, City Council should urge the Province to assess such impacts before making changes to existing legislation.

In terms of job creation, the largest impact could be through renovation activity. The potential impact is unknown; however, anecdotal evidence suggests that there may be a backlog of maintenance in the rental stock. While lifting rent control will encourage some landlords to improve their properties, and thereby generate economic activity, it is also likely that the cost of the work will result in higher rents. Thus, to some extent, the positive job creation impact could be offset by reduced affordability. It should also be noted that a large portion of the rental stock is now 20 years of age or older, reaching the stage when major building systems must be upgraded or repaired. While little is known about the overall condition of the stock, buildings in the worst condition will require repairs that could make rents unaffordable to many tenants. Conversion and demolition activities may also lead to some jobs being created. However, rental conversions to condominiums could be in direct competition with the development of other new condominiums or the conversion of office/retail buildings to residential condominiums.

In the short term, any effect on new construction is likely to be limited. The cost of land and construction, even in the absence of controls, will continue to make the construction of private sector rental housing unlikely in the near future. The experience in British Columbia also suggests that developers are likely to be very cautious, entering the market only slowly after controls are lifted and registering new units as condominium even if they are intended for the rental market.

Affordable rental housing in Toronto can be considered a major economic asset in that it serves to attract and retain a diverse workforce which is essential for various industries in the City. For example, the service, hospitality and retail industries in Toronto benefit from a readily accessible workforce who can afford to live near the place of work. An analysis should be done to determine the effect that increased rents and a diminished supply of rental housing may have on this labour supply, and the businesses affected.

Conclusion

Our general conclusion is that the potential negative impacts which may result from the Province's proposed actions could be much greater than any positive outcomes. To proceed without a full understanding of the potential consequences in terms of the loss of affordable housing and disruption to tenants would be extremely shortsighted. We suspect that not only would many tenants be negatively affected by the Province's plans, but that substantially more pressure would also be placed on Toronto's social services through the process of economic eviction. It could also weaken the financial viability of the City and create a wide range of unintended consequences which the economy, the social service network and the public sector are ill-equipped to deal with at this time.

In our view, if the Province intends to proceed in its imperative, far more research and consultation is necessary to assure all stakeholders that the expected negative results will not occur and that affordable housing and strong tenant protection are maintained, along with the promise of new housing production.

6cii)



SHAC

18 WEST AVENUE SOUTH, HAMILTON, ONTARIO L8N 2S1

July 23, 1996

Alderman Don Drury
Chairperson, Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Drury

On behalf of the Social Housing & Access Committee (SHAC) I would like to thank you for the opportunity to address the committee on July 4th. As you recall we were advised to meet with Planning & Development staff in order to raise our concerns with them so that they may include them in their report to Committee in August.

SHAC met last week with Keith Extance and had an enlightening discussion. At that meeting Mr. Extance made a commitment to avail us with a copy of the staff report on the Friday (August 16) prior to the next committee meeting (August 21st).

We are requesting an opportunity once again to address committee on the issues of the RHPA and Rent Control at its meeting of Wednesday, August 21st. We would prefer to be put on the agenda **immediately following** the staff report as we will likely be addressing items raised in that report.

If you have any questions or would like to speak to me directly regarding this request please feel free to contact me (Andrea) at (905)545-0442. Otherwise please let me-know as soon as our delegation is confirmed on the agenda for the Committee. Thank-you for your assistance and interest.

Sincerely

Andrea Horwath
Chairperson

McQUESTEN *LEGAL & COMMUNITY SERVICES*

360 Queenston Road, Hamilton, Ontario L8K 1H9 • Phone: (905) 545-0442 • Fax (905) 545-2645

FAX TRANSMITTAL RECORD

DATE: July 23/96 **TIME:** 1150 a.m.

TO: Don Drury, Chairperson Planning & Development Committee

ATTENTION: % Tina Agnello

FAX NUMBER: (905) 546-2095

FROM: Andrea Horwath - Chairperson SHAC

MATERIAL: letter of request

TOTAL NUMBER OF PAGES: (2) *including this sheet*

If you do not receive all pages, please contact us immediately at telephone number (416) 545-0442.

MESSAGE: As discussed - Thanx

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7a)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1995 July 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
33 Clifford Street - Tag Number 97013
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 33 Clifford Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C/S-1335 and S-1335a (Map W41)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The property located at 33 Clifford Street is in Ward 1 and is located in the Ainslie Wood East Neighbourhood (please see attached neighbourhood map). The owner proposes to demolish the original 600 square feet single family dwelling and retain the new addition that is currently under permit. Please be advised that the Planning & Development Committee tabled the application to demolish the original single family dwelling on 1996 May 8, until a complete building permit application was made.

On 1996 June 3 a building permit was issued to erect a one storey brick addition under BZ 96-0784. Since construction of the addition did not proceed in accordance with the approved plans, revised plans were submitted 1996 July 2. Upon review, the plans showed a gross floor area in excess of that permitted by Zoning By-Law 6593. As a result, an Order to Comply was issued on 1996 July 11. Presently, the Order to Comply has not been lifted (please see attached). Please be advised that no applications have been made to the Committee of Adjustment for a minor variance

Continued on Page Two .....

or to the Planning Department for a zoning change. An application was submitted to the Land Division Committee (H-8-96), which was denied (see attached). Once the demolition contemplated under the permit has been completed, the property will no longer exceed the gross floor area permitted by Zoning By-law 6593. No LACAC interest. Lot size 69' x 123'.

The owner of the property as per the demolition permit is:

Greg D'Andrea
7 Erminia Court
Hamilton On L8W 3K1

The applicant as per the demolition permit is:

Mike Bettiol
11 Erminia Court
Hamilton On L8W 3K1

SB/bel

City of HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

ORDER TO COMPLY

FILE NO:

ISSUED TO	LOCATION
MIKE BETTIOL 11 Erminia Court HAMILTON On L8W 3K1	33 Clifford Street HAMILTON, Ontario.

TAKE NOTICE THAT THE construction
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S) / REGULATION(S) / BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	The City of Hamilton Zoning By-law 6593, Section 9, as amended by By-law 95-02, Section 1(b)	No building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.45. REQUIREMENT TO COMPLY: Reduce the gross floor area such that it is not greater than 45% of the lot area or obtain a minor variance through the Committee of Adjustment for an increase in the allowable gross floor area.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER / CONSTRUCTOR / OR PERSON APPARENTLY IN POSSESSION AND HEREBY ORDERED TO COMPLY WITHIN seven (7) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT / REGULATION / BY-LAW

REGISTERED MAIL	July 11, 1996	Notice Issued	July 11, 1996
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT (905) 546-2782

FORM 404


TOTTENHAM ROAD
WHITNEY AVENUE
ROYAL AVENUE
PRESTON STREET
ROYAL COURT
C
A
J
IONA AVENUE
CLIFFORD STREET
WILLOWCREST AVENUE
AINSLIE AVENUE
EMERSON AVENUE
BOWMAN AVENUE
C/S 128
C/S 615
CHEDOKE EXPRESSWAY
SUBJECT PROPERTY
33 CLIFFORD

copy mailed May 17/96

33 Clifford Street

Notice of Decision

The Regional Municipality of Hamilton-Wentworth
Land Division Committee

JUN. 10 1996

APPLICATION NO: H-8-96

SUBMISSION NO: B-69-96

IN THE MATTER OF The Planning Act, R.S.O. 1990 C.P. 13;

AND IN THE MATTER OF the Premises known as Municipal Number 33 Clifford Street and being composed of Part of Lot 114, Registered Plan 1480, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth.

AND IN THE MATTER OF AN APPLICATION BY Mike Bettiol, 11 Erminia Court, Hamilton, Ontario, on behalf of Angela Bettiol, 11 Erminia Court, Hamilton, Ontario and Angeline and Gregory D'Andrea, 7 Erminia Court, Hamilton, Ontario.

AND HAVING HAD REGARD TO THE PROVISIONS OF SECTION 51(24) OF THE PLANNING ACT, the decision of the Committee is that the application for consent to convey a parcel of land measuring 34' x 126.46' for residential purposes, and to retain a parcel of land measuring 33.6' x 126.74' containing an existing dwelling for residential purposes be DENIED for the following reasons:

1. Does not comply with the requirements of the Zoning By-law. (Severed and retained lots).

2. Does not comply with Section 51(24) of The Planning Act.

3. The Committee is of the opinion that the creation of an undersized lot in this area is not in the best interest of the neighbourhood. Clifford Street is a dead-end street and the residents are already experiencing parking and flooding problems, and another dwelling will only add to this situation.

Dated this 02nd day of April, 1996

Secretary-Treasurer

PLEASE NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS May 10, 1996.

CITY OF HAMILTON

- RECOMMENDATION -

761

AUG 1 3 1996

DATE: 1995 July 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
73 Holmes Avenue - Tag Number 96934
(96.1.1.A)

RECOMMENDATION:

That City Council denies a demolition permit for 73 Holmes Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C/S-1335 & 1335a (Map W46)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The property at 73 Holmes Avenue is in Ward 1 and is located in the Ainslie Wood East Neighbourhood (see attached neighbourhood map). The owner proposes to demolish the existing one storey brick single family dwelling and build a new single family dwelling. On 1996 July 10, the owner submitted an application for a building permit under Tag #96935. From the submitted plans it appears that the proposed building exceeds the permitted gross floor area for the district.

Please note that a Committee of Adjustment application A-95:122 and O.M.B. decision V950357 granted reduced front and side yards (please see attached). As of 1996 July 29, no applications have been made to the Committee of Adjustment for a land division, nor have there been any recent applications to the Planning Department for a zoning change. No LACAC interest. Lot size 29.5' x 100.00'.

Continued on Page Two .....

The owner of the property and applicant as per the demolition permit is:

L. Dean
73 Holmes Avenue
Hamilton On L8S 2K8

SB/sb


SUBJECT PROPERTY
73 HOLMES
MAIN STREET WEST
C/S 729
C/S 720
C/S 815
H/S 74
DE
DE 3
S 981
C/S 15
HOLMES AVENUE
WARD AVENUE
ROYAL AVENUE
WHITNEY AVENUE
WILLOWCREST AVENUE
AINSLIE STREET
TOTTENHAM ROAD
BAXTER STREET
T H & B RAILWAY
SUSSEX STREET
MAPES AVENUE
GLENMOUNT AVENUE
WESTWOOD AVENUE
HADDON AVENUE
IONA AVENUE
WILKINSON COURT
DELAMERE COURT
WINSTON PLACE
STRATHEARN ROAD
BROADWAY
LELAND STREET
EMERSON STREET
BOWMAN STREET
THORNDALE ST. SOUTH
NORFOLK STREET SOUTH
KINGSMOUNT AVENUE
HOLLYWOOD ST. S.
ALLEN ST.
MERNA AVE.
RIVER PARK
H.E.P.C.

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. A-95:122
SUBMISSION NO. A-122/95

IN THE MATTER OF The Planning Act, 1983, and of the Zoning By-law No. 6593, of the City of Hamilton, Section(s) 9.(1), 9.(3), 18.(3)(vi)(b) and 19B, Schedule S-1335;

AND IN THE MATTER OF Premises municipally known as **73 Holmes Avenue**, in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in a **"C" (Single Family, Residential)** district;

AND IN THE MATTER OF AN APPLICATION by the owner, Larry Dean, for relief from the provision of the Zoning By-law 6593, under Section 45(1) of The planning Act, 1983, so as to permit a proposed new single family dwelling to be erected upon the lands with the following variances from the by-law:

1\ an east side yard width of at least 0.39m (1.3') will be provided instead of 1.2m (3.94') and with a further maximum 0.39m (1.3') eave projection;

2\ a front yard depth of at least 3.04m (10.0') will be provided instead of 6.0m (19.69') and with a further maximum 0.45m (1.5') eave projection;

3\ a gross floor area of 241.54m² (2600 square feet) will be provided instead of the maximum permitted gross floor area of 125.41m² (1350 square feet).

THE DECISION OF THE COMMITTEE IS:

That the said application **IS DENIED** for the following reasons:

The Committee is of the opinion that the proposed development is not in keeping with the character of the majority of established development in the neighbourhood.

The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 45 of The Planning Act, 1983.

DATED AT HAMILTON this 5th day of July, 1995.

SIGNED:

Alderman B. Charters
Chairman

R. N. Cutler

B. Law

D. Serwatuk

E. Begg

NOTE: This decision is not final and binding unless otherwise noted.

73 Holmes Avenue

COMMITTEE OF ADJUSTMENT AUG 9 1995

DECISION OF THE COMMITTEE

APPLICATION NO. A-95:122
SUBMISSION NO. A-122/95

IN THE MATTER OF The Planning Act, 1983 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 9.(1), 9.(3), 18.(3)(vi)(b) and 19B, Schedule S-1335;

AND IN THE MATTER OF Premises municipally known as 73 Holmes Avenue, in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in a "C" (Single Family, Residential) district;

AND IN THE MATTER OF AN APPLICATION by the owner, Larry Dean, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45(1) of The Planning Act, 1983, so as to permit a proposed new single family dwelling to be erected upon the lands with the following variances from the by-law:

1\ an east side yard width of at least 0.39m (1.3') will be provided instead of 1.2m (3.94') and with a further maximum 0.39m (1.3') eave projection;

2\ a front yard depth of at least 3.04m (10.0') will be provided instead of 6.0m (19.69') and with a further maximum 0.45m (1.5') eave projection;

3\ a gross floor area of 158.86m² (1710 square feet) will be provided instead of the maximum permitted gross floor area of 125.41m² (1350 square feet).

THE DECISION OF THE COMMITTEE IS:

That the said application IS DENIED for the following reasons:

The Committee is of the opinion that the proposed development is not in keeping with the character of the majority of established development in the neighbourhood.

The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 45 of The Planning Act, 1983.

DATED AT HAMILTON this 5th day of July, 1995.

SIGNED:

Alderman B. Charters
Chairman

R. N. Cutler

B. Law

D. Serwaniuk

E. Begg

NOTE: This decision is not final and binding unless otherwise noted.

CERTIFIED A TRUE COPY

Ontario

V950357

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Larry Dean has appealed to the Ontario Municipal Board under subsection 45(12) of the Planning Act, R.S.O. 1990, c. P. 13, from a decision of the Committee of Adjustment of the City of Hamilton, which dismissed his application numbered A-122/95 for a variance from the provisions of By-law 6593, as amended, respecting 73 Holmes Avenue

COUNSEL:

A. Zuidema for City of Hamilton

AMENDED DECISION by W.E. King and AMENDED ORDER OF THE BOARD

The applicant in this matter applied for variances so that he could demolish his present home and build a larger one on the same site. In its decision, dated 28 March, 1996, the Board refused to authorize the relief that Mr. Dean requested and gave reasons for that decision. The reasons had to do with the maximum floor area ratio that the applicant proposed for his residence. He proposed a floor area ratio of 0.87, while the By-law allows a maximum ratio of only 0.45. For the reasons given at that time, the Board concluded that the requested variance would be neither minor nor desirable, and would not maintain the general intent of the By-law.

The floor area ratio was not, however, the only issue at that hearing. The applicant had also requested two other variances. His proposed east side yard would be only 0.39m instead of the required 1.2m and with a further maximum 0.39m-eave projection. And his front yard depth would be only 3.04m instead of 6.0m with a further maximum 0.45m eave projection. Because the emphasis was on the floor area ratio, and because that variance, by itself, determined the result of the application, these two other variances were not dealt with separately in the decision.

Now the applicant requests clarification. He wants to know if those variances were also denied, or if, as he remembers, they were granted while the other was refused. He has

new building plans that would fit within the maximum permitted floor area ratio, but that would still require relief from the other two standards.

At the hearing, counsel for the City and the City's planning witness both made clear that the City had no quarrel with the front and side yard variances, *per se*. It was the City's position, as well as the professional opinion of its planning witness, that as long as the applicant built in compliance with the maximum floor area ratio, the other variances were considered to be minor, appropriate, and in keeping with the general intent of the Official Plan and By-law. It was only the overall size of the building that was of concern to the City.

On the basis of the City's evidence, the Board finds that the front yard and east side yard variances requested are minor and meet the other tests of subsection 45(1) of the Planning Act.

Accordingly, the original appeal is allowed, in part, and the application for front yard and east side yard variances are granted. The application for a variance from the maximum floor area ratio is refused. The Board's Order is amended to reflect this.

So orders the Board.

DATED at TORONTO this

"W. E. King"

W. E. KING
MEMBER

copy circulated April 2/96

73 Holmes Avenue

City of HAMILTON

71 [illegible] Street West, [illegible], Ontario L8N 3T4
Telephone (905) 546-2720 / Fax (905) 546-2764

ATTENTION OF: Paul Fisher
TELEPHONE NO: (905) 546-2726

April 1, 199[illegible]

Mr. L.C. King
Building Commissioner
Building Department

Mr. V. Abraham, M.C.I.P.
Director of Local Planning
7th Floor
Planning Division, Office of the C.A.O.
Attention: Mr. P. Mallard

Mr. S.J. Dembe
Manager, Licence Division
City Clerk's Department

Dear Sir:

Re: Application No. A-95:122
Premises: 73 Holmes Avenue [illegible] 3 1996

Pursuant to Subsection 20 of Section 45 of the Planning Act, 1983, I am enclosing herewith for your information a certified true copy of the Committee of Adjustment Decision given in the above-noted application and a certified true copy of the Ontario Municipal Board Order No. V-950357 following an appeal.

Yours truly,

Paul Fisher
Secretary-Treasurer
PF/ggf

DB # 1995-2 FOLIO # 145
ORDER ISSUE DATE
MAR 2 8 1996
DB # 1995-2 FOLIO # 2358

Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

V950357

RECEIVED
APR 1996
COMMITTEE OF ADJUSTMENT

Larry Dean has appealed to the Ontario Municipal Board under subsection 45(12) of the Planning Act, R.S.O. 1990, c. P. 13, from a decision of the Committee of Adjustment of the City of Hamilton, which dismissed his application numbered A-122/95 for a variance from the provisions of By-law 6593, as amended, respecting 73 Holmes Avenue

COUNSEL:

A. Zuidema for City of Hamilton

DECISION by W.E. KING AND ORDER OF THE BOARD

In December 1994, the City of Hamilton passed a new By-law to regulate residential redevelopment in the Ainslie Wood area. It was the result of a lengthy study undertaken by the City's planning department because of concerns by area residents and their elected representatives about the changing character of the neighbourhood. Most of the original development in the area occurred between 1946 and 1960, and consisted of modest single family homes of one and two storeys. However, the neighbourhood is close to the university and, in the last few years, a number of properties have been purchased for conversion into student rentals. This started to change the face of the neighbourhood. Many properties were bought, the original homes demolished, and much larger ones built in their place. Other houses have had additions that doubled or tripled their size. These "monster homes" (monster at least in comparison with the remaining original housing stock) are now sprinkled liberally throughout the neighbourhood, towering above their modest neighbours and fitting uncomfortably onto their own lots.

This redevelopment activity was permitted until the passing of Zoning By-law 95-02. In 1980, Ainslie Wood was downzoned from "D", which allows one and two family dwellings, to "C", or Urban Protected Residential. In the "C" zone, only single family dwellings are permitted, although a special provision was made for recognizing existing two

and three family dwellings as legal uses. The height of buildings is limited to two and a half storeys and the maximum building footprint is 44% of the total lot area (based on minimum lot area and setback requirements). However, there is no other limitation on the size of building that can be built on a lot.

There are, also, a number of provisions that have resulted in an even greater intensity of use. A cellar was not included in the definition of a "storey", and so was excluded from the height of a building. This meant that two and a half storeys could be built over a cellar, even when a significant portion of the cellar was above grade. This could substantially increase the amount of living space and add as much as a half storey to the height of the building. The result was that quite a few houses were built that – although technically and legally two and a half storeys – were, in reality, three storeys. Photographs of some of these "raised dwellings" were submitted in evidence.

The 44% lot coverage was based on a minimum lot frontage of 12 metres (39.37 feet) and a minimum lot area of 360 square metres (3,875 square feet) in combination with the minimum yard requirements in the By-law. On the minimum 360 square metre lot, each of the two and a half (or three) storeys could have a maximum floor area of about 158 square metres (1,700 square feet). However, the By-law also exempted existing lots of record from the minimum lot and yard requirements, without similarly reducing the permitted height for buildings on these lots. The result in many cases was an even greater floor area ratio for new homes or additions built on some of these undersized lots.

The study was commissioned in reaction to this development pressure. It looked at what was happening in the area, the existing zoning standards, and how other municipalities with areas undergoing similar *ad hoc* change of character were dealing with the phenomenon. It concluded that the type of redevelopment that had ben occurring in Ainslie Wood was threatening the character and stability of the neighbourhood. Since other areas of the City were not experiencing the same kind of development pressure, the remedy should be special zoning standards for Ainslie Wood. Of the various controls that might do the trick, the combination of height control and floor to lot area ratio were chosen

as the most effective, and otherwise least restrictive. In November, 1994, By-law 95-02 was passed, restricting buildings or structures in Ainslie Wood to a maximum of two storeys or nine metres in height and a floor area ratio factor of 0.45. In calculating the floor area ratio, garages, floor area occupied by heating, air conditioning and laundry equipment, and cellars were not to be included. The exclusion of the cellar was recognized as a mistake, and in January of 1995 this error was remedied by By-law 95-033.

In May of 1995, Larry Dean applied for a variance from the maximum floor area ratio in the new By-law so that he could demolish the house presently on his 3,000 square foot lot and build another, larger one in its place. He proposes a two storey dwelling with a total floor area (as measured according to the By-law) of 2,600 square feet and a resulting floor area ratio of 0.87. Under the By-law his gross floor area would be limited to 1,350 square feet. The Committee of Adjustment refused his application and he appealed to this Board.

In Mr. Dean's view, what he proposes is neither a "monster Home" nor the student rental housing that, in his opinion, is the real fear of the residents of the neighbourhood who supported the By-law and oppose his redevelopment. He has lived in the house for twenty years and intends to keep doing so. However, the present house is in disrepair and, since it is too small for his needs, rather than fixing it up, he wants to build another. Although larger, it would, in his opinion, be a great improvement over the present one, and would enhance the street.

Mr. Dean pointed out that many property owners in the vicinity, and on his street, have already done what he wants to do. In fact, the houses on either side of his are among the new conversions that led to the By-law. His house feels dwarfed by them, and he considers it unfair that his neighbours got to build what they wanted and now, sandwiched in between them, his house is frozen at its present size. The house that he proposes to build is very similar to the one to the east of him.

In Mr. Dean's submission, there is a lot of confusion about the new By-law. In the first place, he suggested that the residents in the area were not so much concerned about the size of the new houses and additions being built as they were about the fact that so

many of them were being built by "greedy investors" who just want the maximum floor space to rent to students, with no care for the appearance of the building or condition of the property. He did not think he should be prevented from building a perfectly good house for his own use because of these fears. Secondly, he voiced his suspicion that many of the people who support the By-law do not understand that the floor area to be measured in calculating the 0.45 floor area ration includes the basement. He suggested that many of their homes, which they think modestly adequate, would not be able to be built under the new By-law.

Mr. Robichaud, the planner for the City who authored the Ainslie Wood "monster houses" reports, testified that Mr. Dean's proposal must be seen in the context of what has been happening to the neighbourhood as a whole and the City's attempt to remedy the situation. In his view, the standards established in By-law 95-02 are the most effective and fairest solution to the deterioration of the character of the neighbourhood. They were selected only after a comprehensive review of the measures taken by other municipalities with similar "monster home" problems to see what would work best. Moreover, the maximum height and floor area ratios chosen were those that would result in buildings of a height, mass and scale similar to, and compatible with, the established neighbourhood. Mr. Dean's proposal might fit in with the houses on each side of him, but these houses, themselves, are out of character with the established neighbourhood. They were both built before the new standards came into effect. Adding another out-of-character house would only increase the destabilization that the By-law was meant to stop. Each additional over-built property changes the character of the neighbourhood. And if a variance is given to one property owner so that he can bring his house into character with the interloping monster homes, then the By-law itself will be rendered ineffective.

Mr. Robichaud also pointed out that the size of building permitted on a lot is not governed only by the size of the original homes in the vicinity. The size of the house is fixed according to the size of its lot. This provides an element of flexibility and makes "building-to-lot" scale as important as compatibility with surrounding properties. In Mr. Dean's case, his lot has a lot area that is below the minimum permitted under the comprehensive zoning by-law. It

is not as small as some, but it is smaller than, for instance, the lot next door to the west, which has a 45 foot frontage. Mr. Dean, in his testimony, referred to the unfairness of not allowing him to build what he wants when that house is much bigger. But so is the lot.

In Mr. Robichaud's professional opinion, Mr. Dean's proposal does not satisfy any of the four tests for minor variances. The variance requested cannot be considered minor. It would be almost double the living space floor area permitted by the By-law, resulting in a building with a mass and bulk that would not be compatible with the character of the established neighbourhood. The impact that would result from allowing more development of the type that has been eroding the character of the neighbourhood would not, in his professional opinion, be minor. The By-law is intended to preserve that character by preventing development of this type, and, therefore, the variance would not maintain the general intent of the By-law. Nor would it maintain the general intent of the Official Plan, which, in its residential and housing policies, supports residential infilling and redevelopment that

> recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview. [s.C.7.3(iii)]

For these reasons, the proposal, in his opinion, also cannot be considered desirable for the appropriate development or use of the land.

Although I understand Mr. Dean's frustration at being prevented from doing what others in his neighbourhood have already done, I have to agree with Mr. Robichaud's conclusion that what Mr. Dean is proposing is a version of what By-law 95-02 was passed in order to prevent. The residents of Ainslie Wood and their elected representatives have looked at the changes that have been taking place in their neighbourhood and have not liked what they have seen. They appreciate the character of the neighbourhood as it has been established over the years and have, collectively, decided to put measures in place to protect that character before it is irretrievably lost. But the By-law is, in a sense, a rear-guard action. Any property owner in the area can argue that he or she only wants to do what others have been allowed to do. If the By-law is to be at all effective in halting the

erosion of the neighbourhood's character, variances from it cannot be justified solely on that ground.

Mr. Dean stated his opinion that the real reason for the By-law is simply to prevent student rentals. Some of the evidence of the residents lends support to this suspicion. However, it was clear from Mr. Robichaud's testimony, as well as from the background documents to the By-law, that although that might be the paramount consideration for a number of people, it was not the sole, or even the main, purpose of the By-law. The character of the neighbourhood is being affected primarily by the height, mass and bulk of the newer houses, regardless of who resides in them. Although Mr. Dean has no intention of moving, or of renting his premises, the size of the building he proposes to build would, itself, contribute to the change in character that a majority of the residents find undesirable.

Mr. Dean also considers the floor area ratio chosen as the new standard impractically small. He suspects that people do not really understand how it works, or how small it is. That may be true for some of the residents who support it; however, it was selected by the City after a careful examination of existing development in the area, and after a review of standards for similar neighbourhoods in other municipalities. The evidence was that it was consistent with the former, and more flexible than the standards chosen by some other municipalities. It was also chosen after full and proper public process, in accordance with the requirements of the Planning Act. I am not willing, therefore, to undo the By-law in a piecemeal fashion. And that, in my view, would be the result if I were to grant a variance that would almost double the permitted floor area.

Accordingly, the appeal is dismissed and the variance application is refused. The Board so orders.

DATED at TORONTO this 28th day of March, 1996.

"W. E. King"

W. E. KING
MEMBER

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1996 Aug 13

8.

PLANNING AND DEVELOPMENT DEPARTMENT

MEMORANDUM

****

TO: Tina Agnello
Secretary of the Planning and
Development Committee
City Clerk Department

YOUR FILE:

FROM: Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development
Department

OUR FILE: 4143
PHONE: 546-4168

SUBJECT: Plans for a five (5) unit townhouse development for property located at north-east corner of Hess Street North and Windsor Street

DATE: August 13, 1996

Please place the above-mentioned item on the August 21, 1996 agenda of the Planning and Development Committee. As per the attached letter, the owner of the property would like to commence construction of a five(5) unit townhouse development without a formal site plan control agreement.

If you have any questions, please contact myself or Joe Lakatos at 546-4168.

JL/jl

AUG 13 1996/A
AUG 12 1996

August 12, 1996

Mr. Victor Abraham, M.C.I.P., R.P.P.
Director, City of Hamilton
Planning & Development Department
City Hall, 71 Main Street West, 7th Floor
Hamilton, Ontario
L8N 3T4

Dear Sir:

As discussed with you today, I am only interested in continuing on with this project providing I can commence construction without the formality of a site plan agreement. As you are aware, I have submitted a plan showing the grading and elevations, and the construction plans show the front and rear elevations. I am merely looking to commence construction as soon as possible for the purposes of weather conditions in late fall.

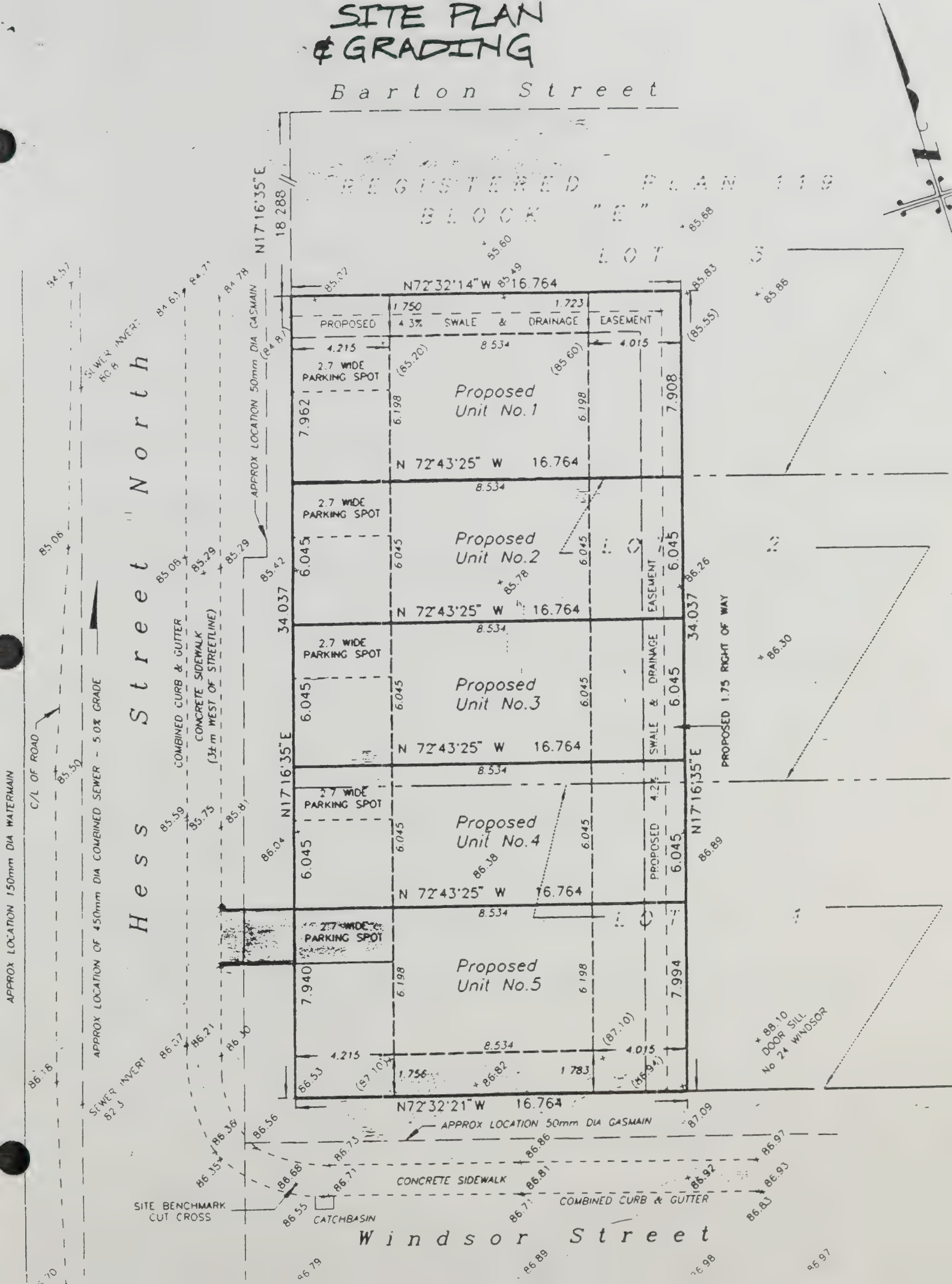
We have been working on this project for the past six months, and I am not in a position to waste any more of my time and I do hope your committee can understand the situation. This is merely a replacement of six old and deteriorated houses that had been removed from this site a few years ago.

I would greatly appreciate your assistance in this matter as soon as possible as I am most interested in continuing in the north end with more new development.

Yours truly,

Andy Costelli
Ridge-Way Contracting Limited

SITE PLAN & GRADING



9.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 August 13

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: Lot Grading and Roof Leaders

RECOMMENDATION:

That Item 3 of the Twelfth Report of the Planning and Development Committee as adopted by City Council at its meeting held 1996 July 9, be amended as follows:

1. That item (a)(ix) be amended by replacing the number 3 with the number 4.

2. That the attached by-law amending Land Drainage By-law No. 80-245 be enacted.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: see below

BACKGROUND:

City Council at its meeting of 1996 July 9 approved Item 3(a) of the 12th Report of the Planning and Development Committee as follows:

"(a) That the City Solicitor be authorized and directed to amend Section 6 of the Land Drainage By-law No. 80-245, as amended, to include items (i) to (ix) inclusive as follows:

(i) Where a site design is prepared by a Professional Engineer and includes a Stormwater Management Study, and the design is acceptable to the City Engineer, and approved by the City after 1996 June 25, roof leaders may be discharged to the ground surface; and,

(ii) Where a Stormwater Management Study has been approved for a development, the recommendations in the study must be implemented; and,

(iii) Where roof leaders are not required to be connected to the storm sewer, the roof water shall discharge onto splashpads and then onto grassed and/or landscaped areas at least 0.6 metres from the building face; and,

(iv) The areas of the lot required to be sodded, must be sodded prior to the issuance of a grading certificate; and,

(v) Roof leaders shall not discharge directly onto a sidewalk or driveway; and,

(vi) That the lot grading plans be registered on title; and,

(vii) That the subdivision plans which include lot grading remain on title for each individual lot in the subdivision; and,

(viii) That the Ward Alderman be included in the review process for the implementation of storm water management; and,

(ix) That the review process and implementation of storm water management be applicable only to developments of 3 or more lots.

(b) That the Building Commissioner be authorized and directed to prepare a report to make revisions to the Property Standards By-law No. 94-185, as required, to eliminate any inconsistencies with the recommendations in this report; and,

(c) That the City request that the Region be directed to further review the Ministry of Environment and Energy "Stormwater Management Practices Planning and Design Manual, 1994 June" to develop specific stormwater management policies and lot grading guidelines for use within the City of Hamilton."

DISCUSSION:

The proposed revision clarifies that the current system of lot grading for less than four lots, which is administered by the Building Department, will not be affected by the new roof leader policy. Where fewer than four lots are created, roof leaders will continue to be connected to storm sewers. Currently, where three lots or less are created a Lot Grading Agreement is prepared by the Building Department. Where four or more lots are created, a Modified Subdivision Agreement or Subdivision Agreement is prepared.

To implement Council's resolution, where roof leaders are not required to be connected to the storm sewer, lot grading plans will be included and referenced in new subdivision agreements and modified subdivision agreements that are registered on title. A warning will be included in the City's subdivision agreements and modified subdivision agreements, where roof leaders are not required to be connected to the storm sewer, that unregistered amendments, revisions and adjustments to grading plans may subsequently be approved by the City and that those plans on file with the City Clerk's Department should be reviewed to determine current requirements.

The obligation of homeowners to maintain the approved grading of each of the lots identified within a subdivision agreement or modified subdivision agreement, where roof leaders are not required to be connected to the storm sewer, will arise as the City will no longer provide discharges for such agreements.

In the event that the grading of a lot has been changed from the approved grading plan without the authorization of the City, an aggrieved party could review the City's agreement to determine the parameters of approved grading.

Inevitably, one can anticipate that Ward Aldermen and City staff will be called upon to rectify situations where the approved grading of a particular lot has been changed so as to affect adjacent property(ies). In such cases, we would suggest that it continue to be the City's practice to look upon such disputes as private matters between homeowners.

Securities held to secure the obligations of subdividers for all subdivisions will continue to be released in accordance with past practice.

The attached by-law implements the Council resolution previously passed as amended by the above revision. The series of requirements will only be applied where roof leaders are not connected to storm sewers.

Some of the requirements include:

(i) a review of each proposal with the Ward Alderman;
(ii) the preparation of a design and stormwater management study by a Professional Engineer; and
(iii) several provisions relating to how and where roof leaders can be discharged.

It should be noted that Subdivision or Modified Subdivision Agreements will not be discharged from title where roof leaders are not required to be connected to storm sewers.

PNJ/AZ/js
Attach

c.c. L. C. King, Building Commissioner
Attention: J. Spolnik
c.c. J. D. Thoms, Commissioner
of Regional Environment
Attention: E. Chajka

Bill No.

The Corporation of the City of Hamilton

By-law No. 96-

To Amend By-law No. 80-245

Respecting:

LAND DRAINAGE

WHEREAS By-law No. 80-245 was enacted by the Council of The Corporation of the City of Hamilton on September 9, 1980, respecting land drainage;

AND WHEREAS Section 6 of By-law No. 80-245 was amended by By-laws No. 88-09, No. 88-207 and No. 93-123;

AND WHEREAS Council, on July 9, 1996, in adopting Section 3 of the 11th Report of the Planning and Development Committee authorized a further amendment to By-law No. 80-245;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

By-law No. 80-245, as amended, is amended by the addition of the following section:

"6.A. (1) Despite Section 6, roof leaders may be discharged onto the ground surface where:

(i) a site design, including a Storm Water Management Study, acceptable to the City Engineer is prepared by a Professional Engineer, and

(ii) the site design is approved by the City after June 25, 1996.

(2) Where the City approves of a Storm Water Management Study for a development which indicates roof leaders may be discharged onto the ground surface, the recommendations in the study must be implemented by the owner of the land.

(3) Where the roof leaders are not required to be connected to the storm sewer, the roof leaders shall discharge onto splash pads and then onto grassed or landscaped areas at least 0.6 metres from the building face.

(4) The roof leaders shall not discharge directly onto a sidewalk or a driveway.

(5) Where the roof leaders of a lot are not connected to storm sewer, the lot shall be sodded prior to the issuance of a lot grading certificate by the City.

(6) Subject to the Land Titles Act and the Registry Act, the lot grading plan shall be registered on title to the land being developed.

(7) Where the Subdivision Agreement includes a Lot Grading Plan, the Subdivision Agreement shall not be discharged by the City.

(8) The City Engineer shall include the Ward Aldermen in the review process for the implementation of the storm water management plan.

(9) This section only applies to the developments containing four or more lots.

PASSED this day of 1996.

CITY CLERK MAYOR

(1996) 11 R.P.D.C. 3, July 9

\BYLAW\DRAINAGE.6

10.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 2 1996

DATE: 1996 August 1

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo
Commissioner of Public Works and Traffic

Joe Pavelka
Chief Administrative Officer

SUBJECT: Acquisition of the Canadian National Railway (CNR) Land Abutting Ferguson Avenue.

RECOMMENDATION:

a) That the City of Hamilton acquire the CNR land known as parcels 40708 and 40835, that abut Ferguson Avenue between Barton Street East and the CN Rail line, at a total estimated cost of $4,000 which includes fifty percent (50%) of the cost for the environmental reports on the properties, as well as one hundred percent (100%) of CNR's legal fees; and,

b) That the $4,000 cost be charged to Central Beasley Account Number CF 5698-429102003.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Sufficient monies are within Account Number CF 5698-429102003.

BACKGROUND:

The parcels of land that are presently for sale by the CNR, specifically parcel numbers 40708 and 40835 (identified on the site plan attached as Schedule "A" and amount to 1.89 acres in total), are of significant interest to the City of Hamilton since they form part of the implementation of the Ferguson Avenue Master Plan. The Ferguson Avenue Master Plan creates a continuous link from the Escarpment to the Bay with emphasis on pedestrians and cyclists (as per Schedule "B").

One of the physical impediments to the continuous link is the Public Works and Traffic Department's salt dome. The Ferguson Avenue Master Plan identifies the shifting of the salt dome to the Public Works and Traffic Department's yard that presently directly abuts the salt dome easterly. The Master Plan also identifies the area of land to the west of the salt dome as future green space.

At the present time, the Ferguson Avenue Master Plan is not included within the Corporation's Ten Year Capital Budget Forecast. However, it would be a detriment to the entire Ferguson Avenue Master Plan if the City did not seize this opportunity to acquire the parcels of land presently offered by the CNR.

Upon review of the environmental reports on the subject lands, staff from the Public Works and Traffic Department are confident that the land can be developed at a marginal cost given the contaminates identified in the reports and the proposed future use of the land. For the information of the Committee M. M. Dillon Limited was retained by CN Real Estate Management to conduct a Phase 1 Environmental Site Assessment of parcels 40708 and 40835. M. M. Dillon's conclusion of the lands are quoted below:

Parcel 40708

"Based on the information reviewed as part of this Phase 1 Environmental Site Assessment there was no evidence of significant environmental contamination associated with PIN 40708.

Historic storage of materials on the site and operation of adjacent industrial facilities may have caused environmental problems. However, previous subsurface testing at the site by Trow indicated that these activities have not caused significant envirnomental impacts at the site. Elevated concentrations of sodium and chloride were identified in groundwater, likely due to runoff from the salt storage area on an adjacent property.

The black staining observed during the site visit may have been from the spilling or dumping of small quantities of material. The subsurface impact of the staining is unknown but does not appear to be extensive".

Parcel 40835

"Based on the information reviewed as part of the Phase 1 Environmental Site Assessment there is evidence of environmental contamination associated with PIN 40835.

Historic filling, storage of materials on the site and operation of adjacent industrial facilities may have caused environmental problems. Previous sub-surface testing at the site by XCG indicated that these activities have impacted the soil at the site. Exceedances of MOEE criteria for lead, beryllium, SAR and EC in soil were identified during the previous Phase II Environmental Site Assessment. Groundwater quality was not identified as a significant environmental concern in the previous Phase II ESA.

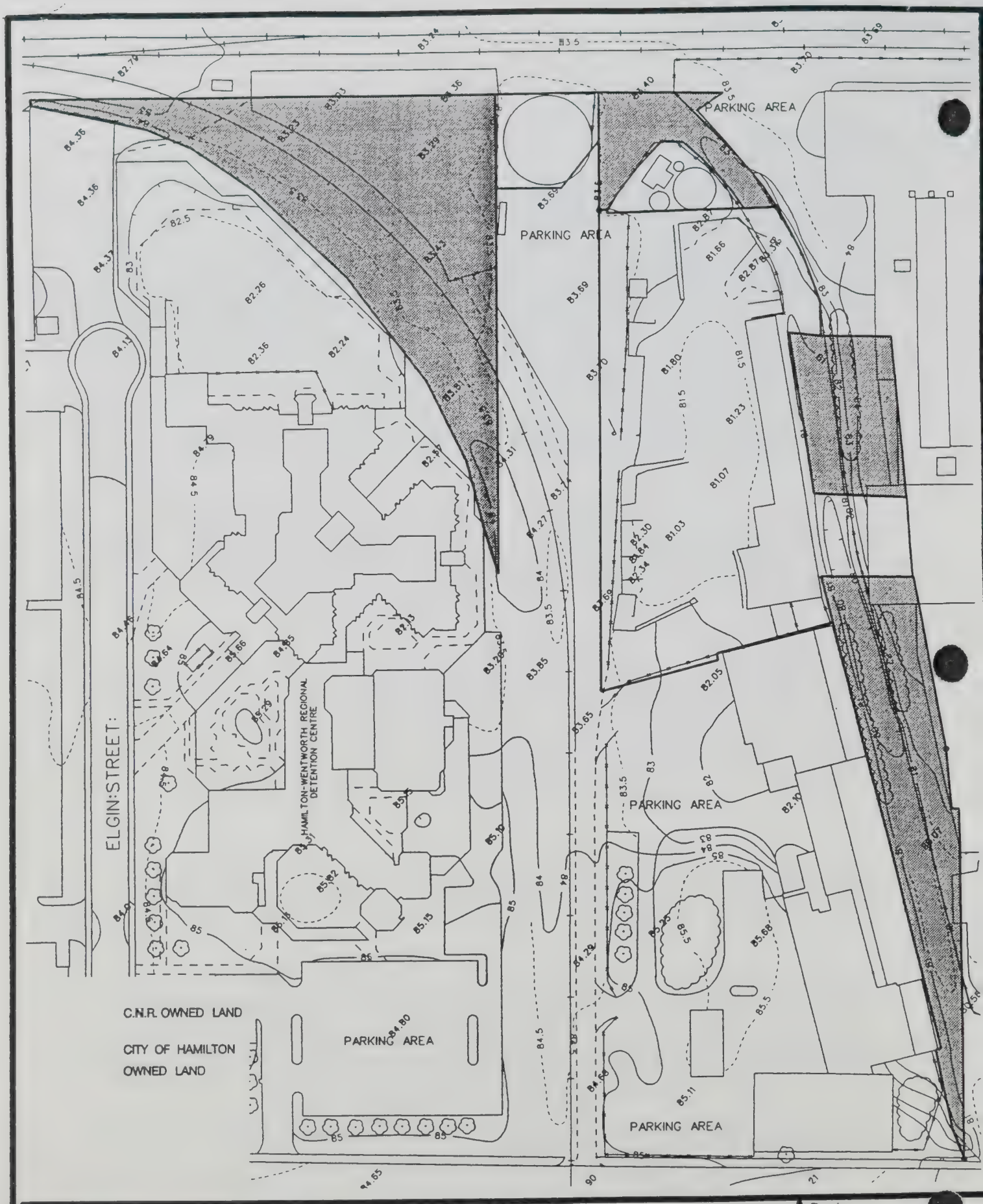
Elevated concentrations of sodium and chloride were identified in groundwater, likely due to runoff from the salt storage area on an adjacent property.

The black staining observed during the site visit may have been from the spilling or dumping of small quantities of material on the site. The oily "sheen" was observed to originate from the adjacent City of Hamilton work yard. The subsurface impact of the staining and sheen is unknown but does not appear to be extensive".

DL:HM:hm

Encl's.

SCHEDULE A



City of HAMILTON

Project FERGUSON AVENUE

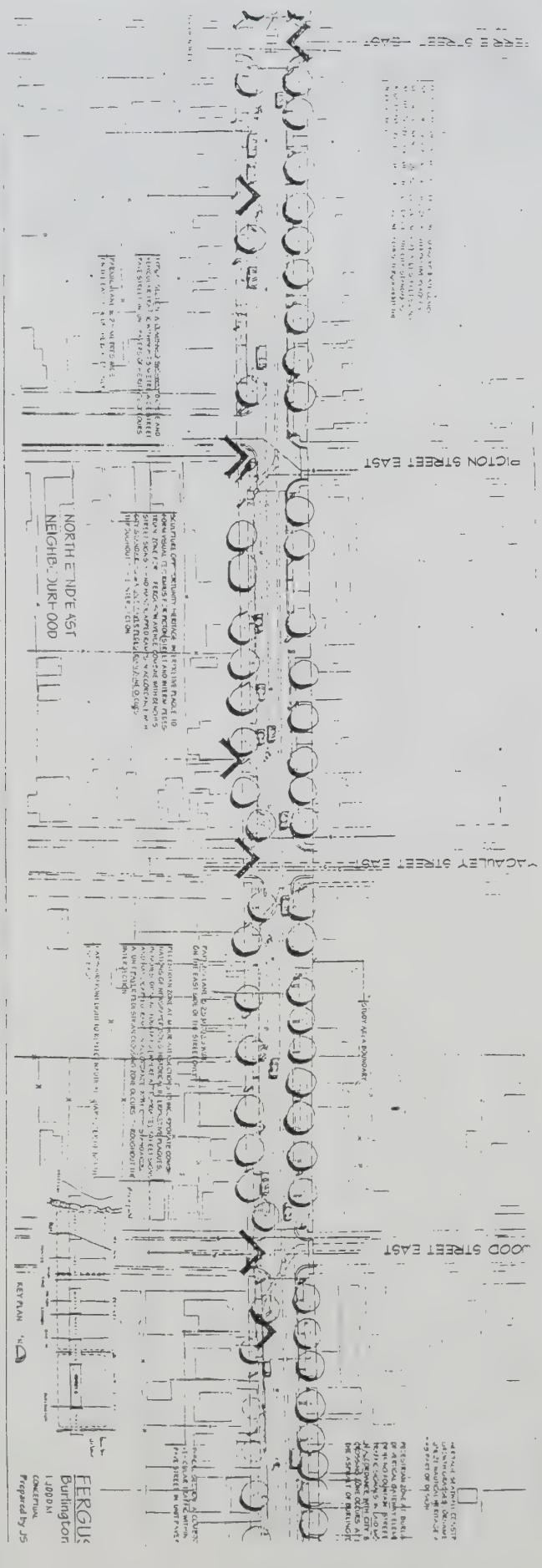
Title Land Acquisition From C.N. Rail

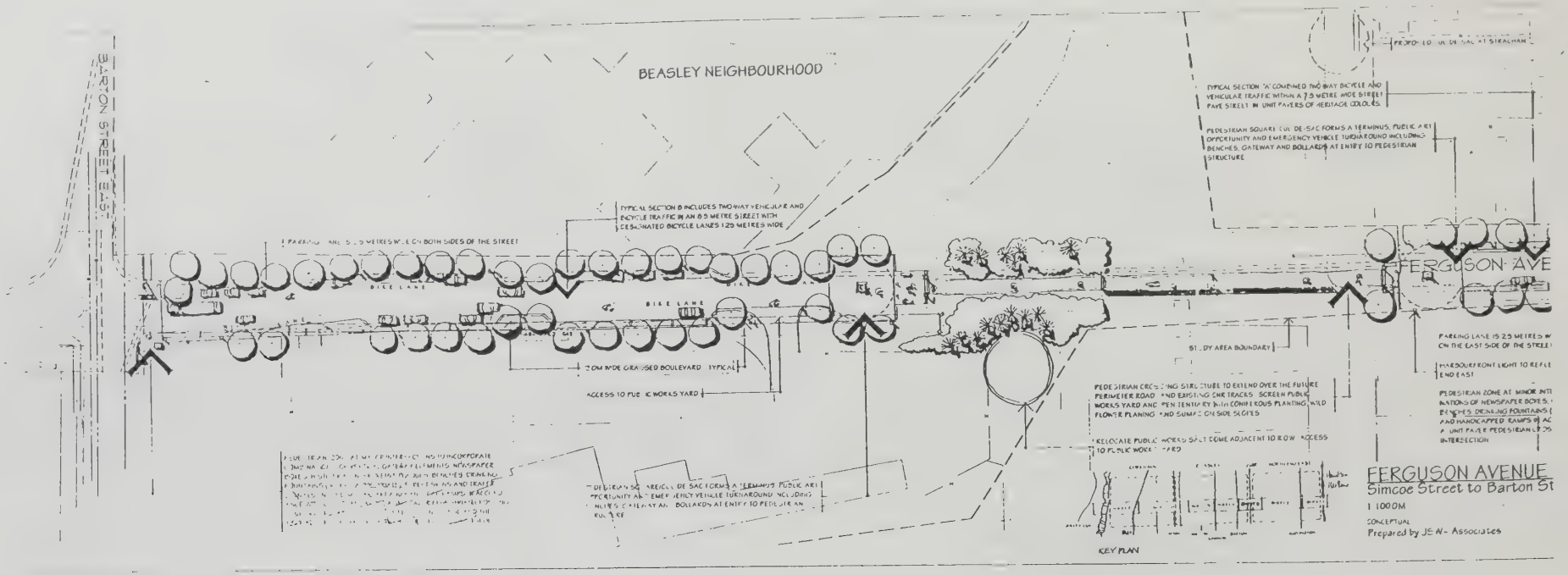
Date July 16

Scale N.T.S.

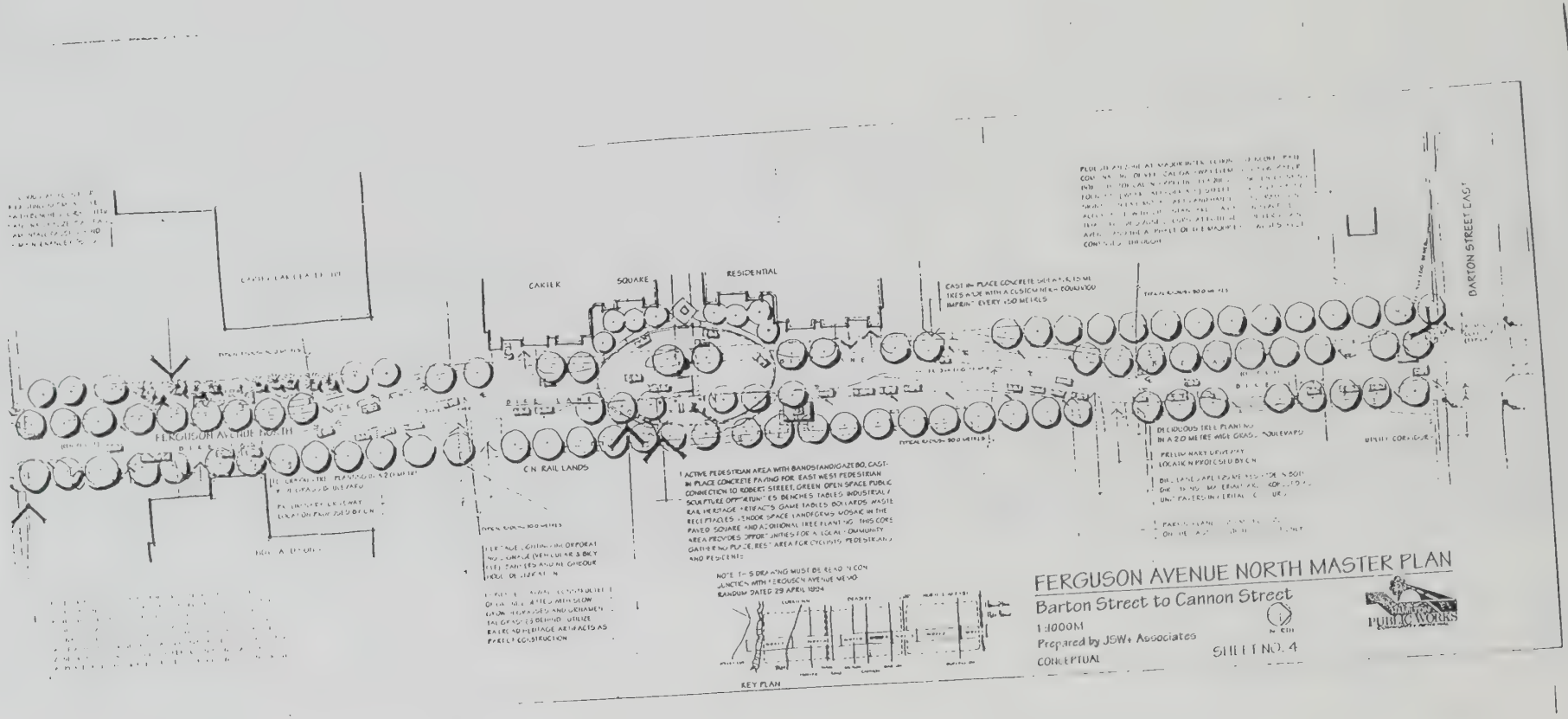
Dwg. No.

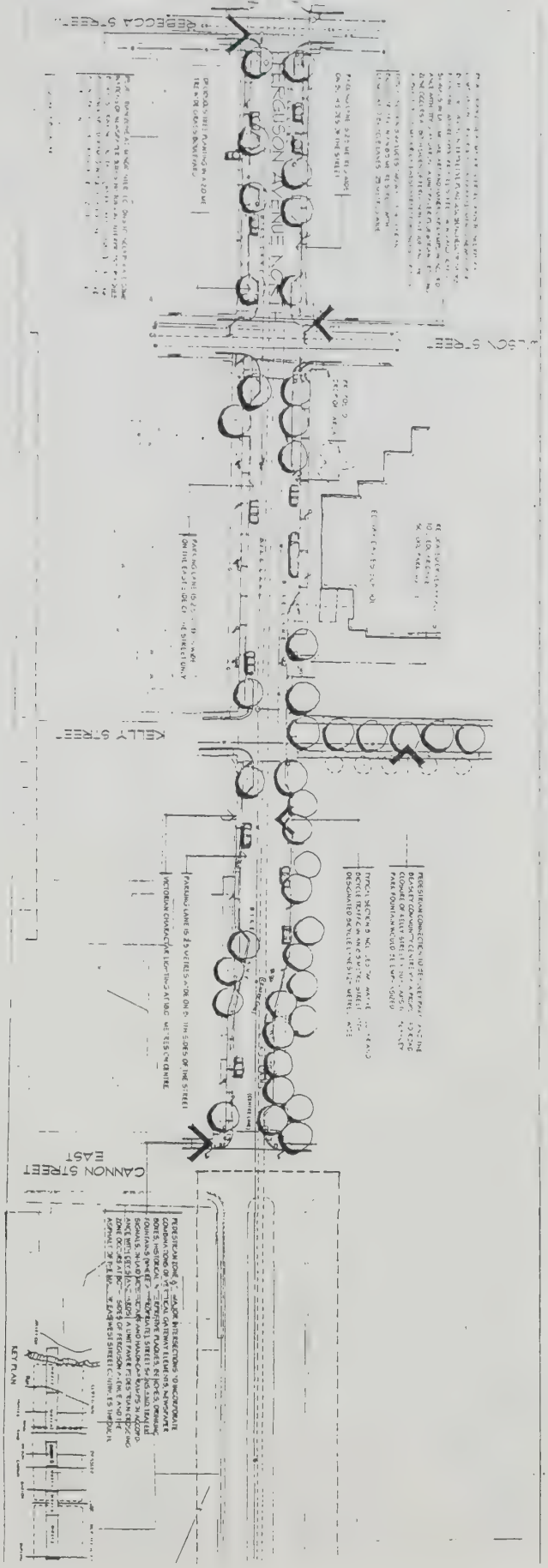
FERGUSON AVENUE NORTH
NORTH END EAST
NEIGHBOURHOOD
DOCK SERVICE
ROAD

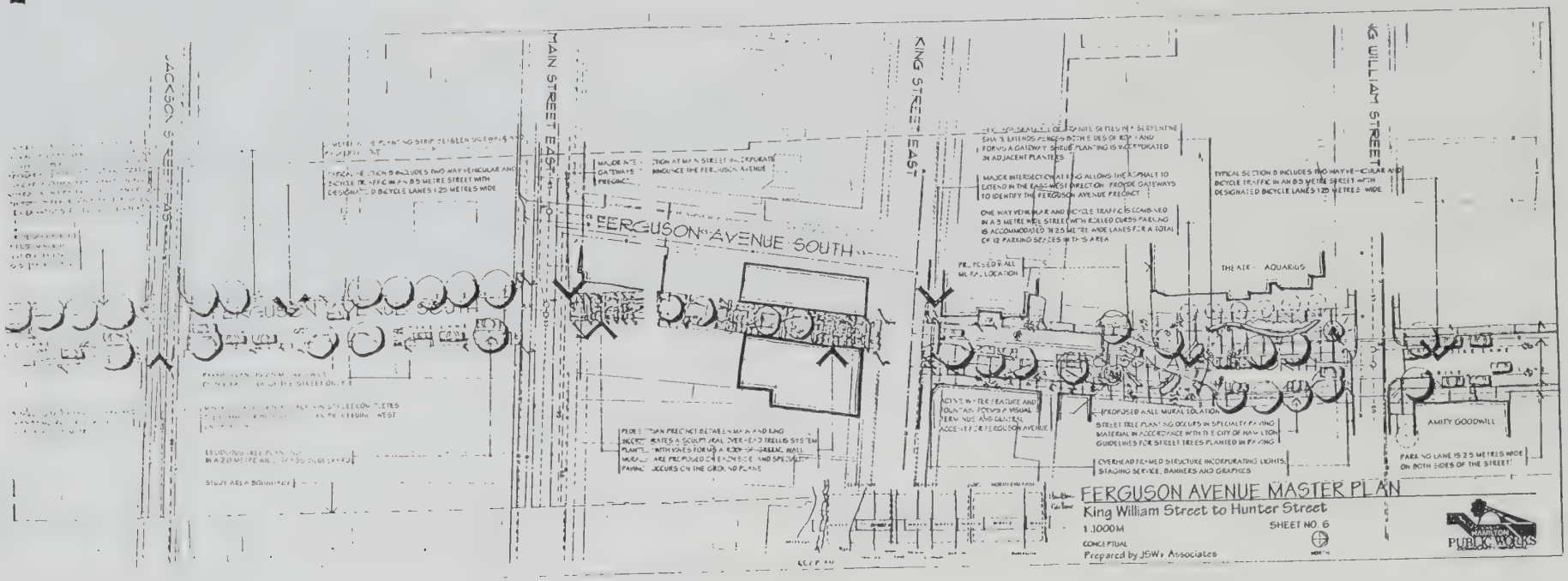

DICTON STREET EAST
WOOD STREET EAST
NORTH END EAST NEIGHBOURHOOD
KEY PLAN
FERGUS
Burlington
LONDON
CONCEPTUAL
Prepared by JS

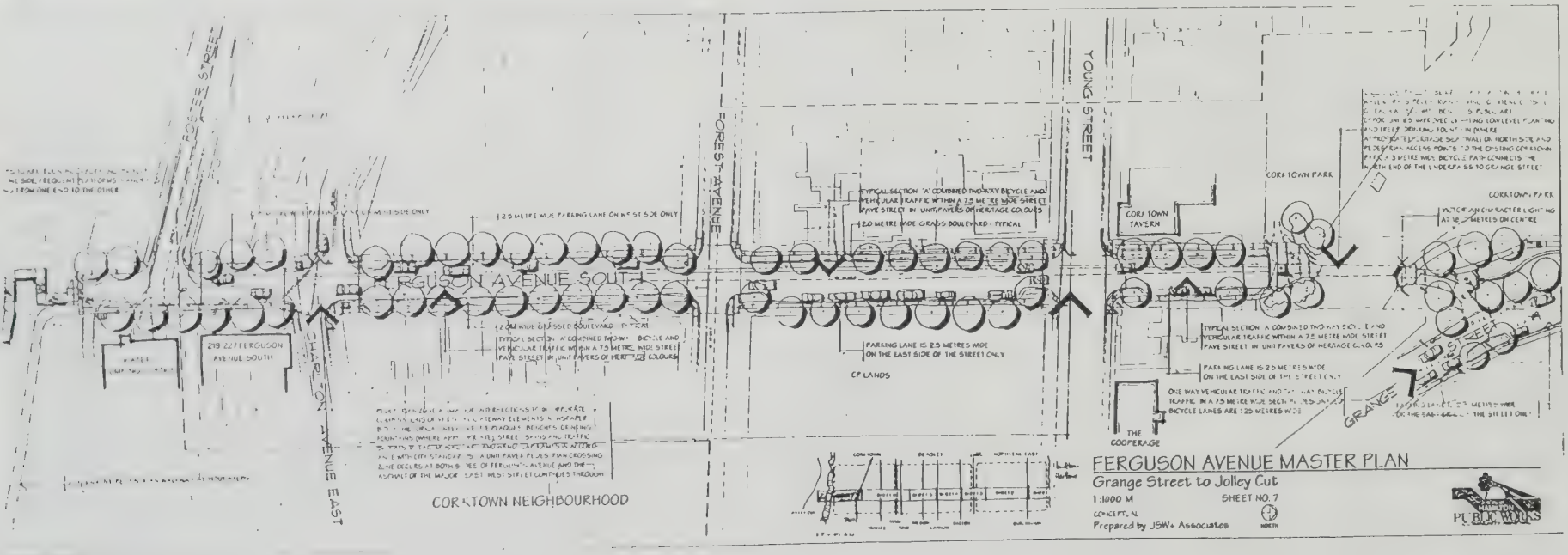


FERGUSON AVENUE
Simcoe Street to Barton St
1:1000M
CONCEPTUAL
Prepared by JE N- Associates


CAKIEK
SQUARE
RESIDENTIAL
FERGUSON AVENUE NORTH
C.N. RAIL LANDS
BARTON STREET EAST
KEY PLAN
FERGUSON AVENUE NORTH MASTER PLAN
Barton Street to Cannon Street
1:1000M
Prepared by JSW+ Associates
CONCEPTUAL
SHEET NO. 4
PUBLIC WORKS


FERGUSON AVENUE NORTH
KELLY STREET
CANNON STREET EAST
KEY PLAN


JACKSON STREET EAST
MAIN STREET EAST
KING STREET EAST
KING WILLIAM STREET
FERGUSON AVENUE SOUTH
THEATRE AQUARIUS
AMITY GOODWILL
PROPOSED MURAL LOCATION
PROPOSED MURAL LOCATION
STUDY AREA BOUNDARY
FERGUSON AVENUE MASTER PLAN
King William Street to Hunter Street
1:1000M
SHEET NO. 6
CONCEPTUAL
Prepared by JSW+ Associates
PUBLIC WORKS


FERGUSON AVENUE SOUTH
FORSEE STREET
FOREST AVENUE
YOUNG STREET
CHARLTON AVENUE EAST
GRANGE
CORK TOWN TAVERN
CORKTOWN PARK
CP LANDS
THE COOPERAGE
219 227 FERGUSON AVENUE SOUTH
CORKTOWN NEIGHBOURHOOD
TYPICAL SECTION 'A' COMBINED TWO-WAY BICYCLE AND VEHICULAR TRAFFIC WITHIN A 7.5 METRE WIDE STREET PAVE STREET IN UNIT PAVERS OF HERITAGE COLOURS
2.0 METRE WIDE GRASS BOULEVARD - TYPICAL
PARKING LANE IS 2.5 METRES WIDE ON THE EAST SIDE OF THE STREET ONLY
ONE WAY VEHICULAR TRAFFIC AND TWO WAY BICYCLE TRAFFIC IN A 7.5 METRE WIDE SECTION. BICYCLE LANES ARE 1.25 METRES WIDE
FERGUSON AVENUE MASTER PLAN
Grange Street to Jolley Cut
1:1000 M
SHEET NO. 7
CONCEPTUAL
Prepared by JSW+ Associates
NORTH
PUBLIC WORKS

Distributed to Alderman Drury; Alderman D'Amico; Mayor Morrow; Assistant to the Mayor; V. Abraham, Director of Planning; P. Noe Johnson, City Solicitor; R. Karl, Traffic Department; D. Lobo, Director of Public Works on 1996 August 6

+ C. TOUZEL, SECTY LACAC

THE SYNOD OF THE DIOCESE OF NIAGARA
ANGLICAN CHURCH OF CANADA
Bishop: The Right Reverend Walter G. Asbil

Executive Officer
The Venerable
Peter B. Moore

Secretary of Synod
Mrs. Judy D. Dodman

Treasurer
Mr. Ralph W. Malashevsky

Director of Program
Dr. Stephen F. Hopkins

AUG 2 1996

July 31, 1996

Attention: Chair, Planning and Development Committee of City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam:

At the request of Mayor Robert Morrow, I write to request the Planning and Development Committee of the City of Hamilton to consider seriously this request sent on behalf of the Anglican Diocese of Niagara to consider the purchase of the recently closed St.Thomas' Anglican Church, Hamilton, located at West Avenue and Main Street East as a rehearsal hall, performance hall and facility for the various arts organizations who need a smaller facility for rehearsals and performances. In addition, it could very well be that the church could be rented out and used on Sundays as a worship centre for smaller denominations.

St.Thomas' Church has been a centre of worship and church life in the Anglican Diocese of Niagara for over 130 years, and was the site of the consecration of our first bishop, Thomas Brock Fuller. It is therefore of historical significance and would be appropriate for the facility to remain in its present condition. This, of course, is one of the conditions of its LACAC designation.

I would be happy to arrange for a speaker to attend the committee to outline our presentation if this is considered to be worthwhile. In the meantime, I sincerely hope that the committee will consider seriously this request and ask for a positive response. While the building is listed at $324,900, negotiations could be entered into to facilitate a purchase by the city.

If there is any further information you require, please do not hesitate to get in touch with me.

Yours faithfully,

Peter Moore

Archdeacon Peter B. Moore
Executive Officer
/bn

Copy to: Bishop Walter Asbil
Archdeacon Richard Berryman

Cathedral Place, 252 James St. N., Hamilton, Ontario L8R 2L3
Tel: (905) 527-1316 • Fax: (905) 527-1281

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1996 August 21
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1996 July 3

B. CITY SOLICITOR

Appeal by Hamilton Harbour Commissioners to OMB

C. BUILDING COMMISSIONER

a) 336 East Avenue North -- Application for a Demolition Permit

b) 338 East Avenue North -- Application for a Demolition Permit

c) 150 Potruff Road North -- Application for a Demolition Permit

d) 1187 West 5th Street -- Application for a Demolition Permit

e) 1193 West 5th Street -- Application for a Demolition Permit

f) 150 Ivon Avenue -- Application for a Demolition Permit

g) Appointment of By-law for Inspectors appointed under the Building Code Act

D. DIRECTOR OF PLANNING AND DEVELOPMENT

a) Comments on Recommendations - 1995 Regional Housing Statement Update.

b) Condominium Conversion Application 96-001, by Darko Vranich, owner, 81 Charlton Ave. East, Corktown Neighbourhood.

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1996 August 21

E. **BUILDING COMMISSIONER & DIRECTOR OF PLANNING & DEVELOPMENT**

Downtown Redevelopment Fees ([redacted])

F. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Hamilton Courthouse Project - Heritage Permit Application for Alterations/Additions to Dominion Public Building

G. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, 1996 July 03
9:30 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present:	Alderman D. Drury, Chairperson Alderman F. D'Amico, Vice-Chairperson Alderman G. Copps Alderman F. Eisenberger Alderman M. Caplan Alderman Wm. McCulloch Alderman B. Charters Alderman H. Merling
Regrets:	Mayor R.M. Morrow, Civic Business
Also present:	Alderman M. Kiss Victor Abraham, Director of Planning Bill Janssen, Planning Department Caroline Floroff, Planning Department Steve Robichaud, Planning Department Nina Chapple, Planning Department Len King, Commissioner of Building Willy Wong, Building Department Patrice Noé Johnson, City Solicitor Roland Karl, Public Works and Traffic Department Eugene Chajka, Regional Environmental Department Charlie Unelli, Transportation & Environmental Services John Avery, Purchasing Department Tina Agnello, Secretary

PUBLIC MEETINGS

1. **City Initiative 96-E, Overbuilding Study - Westdale North Neighbourhood (Monster Homes)**

A submission was received from Joy James, who requested to make a presentation and submit a Petition to the Committee.

It was asked if there were any questions or comments from the public.

Mrs. Joy James was present and asked a clarifying question regarding the passage of the By-law with regard to Westdale North and Westdale South neighbourhoods.

As recommended in the report dated 1996 June 27 from the Director of Planning and Development and the Chief Administrative Officer, the Committee recommended to Council as follows:

> That approval be given to City Initiative 96-E for a modification to Zoning By-law No. 6593 for the Westdale North Neighbourhood, as shown on the attached map marked as APPENDIX "A", to regulate the size and bulk of dwellings in the "C" (Urban Protected Residential, etc.) District, "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, and "H" (Community Shopping and Commercial, etc.) District on the following basis:

(a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That no building or structure shall have a gross floor area greater than the are within the district of the lot on which it is situated, multiplied by the floor area ratio factor of 0.45;

(ii) Notwithstanding Section 2.(2)J.(viiia) of Zoning By-law No. 6593, "Gross Floor Area" is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:

a) an attached garage;
b) a detached garage; and,
c) the floor occupied by heating, air conditioning and laundry equipment;

(iii) For the purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;

(iv) In addition to the requirements of Section 18A, where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade;

(v) That notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2 storeys and 9.0 metres in height; and,

(vi) That Section 18(2)(i) of Zoning By-law No. 6593 shall not apply to the Westdale North Neighbourhood;

(b) That notwithstanding Section 11 of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;

(c) That in addition to the requirements of Section 14 of Zoning By-law No. 6593, a single family dwelling is permitted subject to the provisions of Section 1.(a) of this by-law;

(e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S -1364, and that the subject lands on Zoning District Maps W-21, W-22, W-31 and W-32 be notated S -1364;

(f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-21, W-22, W-31 and W-32 for presentation to City Council; and,

(g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Following the passing of the resolution, Mr. Mark Cole was present and objected to the proceedings. The Chairperson clarified and the Committee Members concurred that the meeting was in order and commenced with a quorum at 9:30 a.m.

Following the Public Meeting, submissions were received from Emmon McEnaney of 103 Cheevers Street, Hamilton, Ontario, L8L 5R8 and Mark Cole of 127 Jackson Street West, Hamilton, Ontario, L8P 1L6.

2. Regulation of Mobile Signs

Submissions were received by:-

a) Henry Muggah, 120 Chedoke Avenue, Hamilton
b) Alex Hemstreet, President, Tamlann Investments Ltd. 75 Lancing Drive, Unit H., Hamilton
c) James E. Managhan, 601-75 Wendover Drive, Hamilton
d) Fred Strungnell, 125 Mount Pleasant Drive, Hamilton
e) James McLean, Proprietor, Westdale Optical Boutique, 1050 King Street West, Hamilton
f) John Schouten, Owner, Eyemark Signs, 940 5th Concession West RR #2, Waterdown
g) Doug Hughes, President, Magnestsigns Ontario South
h) Don McPhail, Ad-Vantage Signs, 5100 South Service Road, Unit 27, Burlington
i) Marty Gillot, President, Total Life Fitness 1205 Rymal Road East, Hamilton
j) Simon Ive, Owner, 1888-Rent-Signs

Caroline Floroff of the Planning Department gave a brief presentation on the regulation of Mobile Signs. She advised that the time periods for display would be four, 15 consecutive daytime periods with a 30-day layover between the time periods.

With regard to the number of signs, she stated that there will be a maximum of 3 signs per property. A maximum of 2 signs per property. The maximum size of the sign is proposed to be 5.6 sq. metres. Third party advertising will not be permitted. Licensing of Sign Operators will not be supported. Permit cost will be $35 per sign per 2-week period. Set back of yard requirements will be 1.5 metres give the temporary nature of the sign and the dependence on passing traffic and an increase in application fees for minor variances from $75 to $300 which is the full cost recovery is also being proposed.

George Langadinos was present and stated that he is businessman, taxpayer and voter in the City of Hamilton. He represents the Hamilton-Wentworth District Mobile Sign Association. He stated that he was present at a meeting on May 22 and that at that time there was no quorum for the meeting and that he is now present again. He stated that the By-law is not signed, his rights have been violated and that the By-law discriminates against his rights.

Mr. Langadinos also stated that newsboxes and bus shelters are also a traffic hazard and are not pleasing with regard to aesthetics. He stated that he is for a level playing field and requested that the Chairperson be removed from the Chair because he was previously quoted in a newspaper article as saying that "the signs look like hell". In conclusion he sated that the sign businesses and small local businesses will be hurt by this By-law. He stated that these signs have been around for 30 years and questioned why changes are being made now.

Alderman Drury asked a question with regard to legal non-conforming status to which Caroline Floroff replied that with pro-active enforcement, many illegal signs will be removed but those which comply under the current regulations will be protected under a grandfather clause.

Ronald McPhail of the Canadian Mobile Sign Association was present. He has been a resident in Hamilton for many years. He stated that the draft legislation is a step in the right direction but there are many limitations. If the By-law is concerned with safety and aesthetics he questioned why signs should cease to exist on the 91st day of use. He also stated that mobile signs are a potential source of revenue to the City. Right now in Hamilton 100 people are employed by the mobile sign industry. He concurs with setbacks but a no sign on road allowances for parks and civic lands except under special circumstances.

Mr. McPhail questioned the regulation of mobile signs but not billboards which he stated is essentially the same medium. He asked the Committee to consider using the approach of the City of Brampton by permitting signs on an on-going basis as long as the renter would like it, subject to distance separation. Mr. McPhail also questioned the increase in the Committee of Adjustment fee from $75 to $300. With regard to the $35 permit fee, he stated that that is reasonable. He also stated that in the City of Vaughan they charge $750 for each billboard which is inspected by the City. He stated that it is not fair to regulate mobile signs but not billboard signs or mailboxes.

Mr. McPhail agrees with the previous speaker with regard to having a level playing field. He stated that municipalities cannot totally prohibit mobile signs such as the City of Scarborough has done. In his opinion, the mobile sign industry does good service to the City. He stated that, if left alone, the market will regulate itself and asked the Committee to consider the shift in liability to the City if the City takes responsibility for the Signs. In Oakville and Vaughan they license the operators and require liability insurance from them.

The Committee agreed with Mr. McPhail's suggestion that a working committee be struck composed of Staff Members and Members of the Mobile Sign industry and that the Committee report back in one year.

Mr. Steve Fox, a small business owner was present. He had three comments: he stated that big businesses which have 20 or more signs should be considered; people who own their own signs and do not maintain their signs should also be considered as an issue; and, that also there should be a difference between residential and commercial areas where these signs are placed.

In response to a question from Alderman Caplan, Caroline Floroff stated that the Building Department did a survey of Upper James Street and in their opinion, present enforcement would reduce the signs by up to 82%.

In response to a question from Alderman Caplan, Building Commissioner advised that rental signs will fall under the Grandfather Clause if there are there for a long period of time. But if they are gone intermittently for long periods of time, then the Grandfather Clause would not be applicable.

Responding to a question from Alderman Copps, the City Solicitor advised that if we get insurance from the Mobile Sign Operators, then the City has no liability.

Caroline Floroff advised that licensing is an option but that this has to be done in consultation with the Clerk's Department.

Roland Karl noted that Section 14 (G) of the Draft By-law states that:

> "No person, agent or permit holder shall erect or place a mobile sign on lands or buildings owned, rented or leased or occupied by them at any location where the sign obstructs the sight lines and view of any pedestrian or drive of a motor vehicle or obstructs the visibility of any traffic sign or device".

Alderman Copps was concerned that we are taking away a specific regulation for setbacks which we presently have and changed it with the General Provision. She felt that this is not a step in the right direction.

Alderman Copps also asked about businesses which are permitted to have two signs. Caroline Floroff stated this is case but the Distance Separation Requirement is still applicable.

In response to a question from Alderman Eisenberger, Caroline Floroff stated that people who have billboards must apply for building permits but there are no time limits as to how long they can be up.

The Building Commissioner advised that the Department is anticipating one person working full-time on present enforcement. This person will be paid for the most part from income generated from the new By-law.

Alderman Eisenberger stated that he is prepared to look at variances in terms of the time in which the signs can be permitted to stay up.

In response to a question from Alderman Charters, Caroline Floroff stated that billboards are regulated under the Planning Act through Zoning and as such, they must apply for a Building Permit whereas mobile signs are being regulated under the Municipal Act.

Alderman Charters stated that he is not comfortable with time limits on signs and that this would only cause a staff person to constantly be keeping track of when they are going up and when they are coming down and that this would be a difficult thing to do.

A discussion ensued with regard to banning third party signs. The Chairperson advised that a decision has not yet been determined by the Courts as to whether this is permissible.

Alderman Copps suggested that a review be conducted of the By-law in six months time.

The Chairperson stated that it is the intention of the Committee regulate but the Committee does not want to hurt small business. The By-law is not to be passed for another three months time. In the meantime, an inventory must be conducted of all the legal non-conforming signs.

Alderman Eisenberger asked what the impact of taking the time limit off the signs to which Caroline Floroff advised that there would be an increase in revenues.

Alderman Caplan added that this may prohibit neighbouring businesses from getting signs if there are no time limits and if there are Distance Separation Requirements.

Ron McPhail stated that at Divisional Court hearings there are two major issues: the total ban of illuminated signs and the ban of third party advertising.

Alderman Copps suggested that staff should contact the people who submitted letters to this meeting.

Alderman Charters and Merling proposed an amendment to Subsection 2 that the Senior Director, Roads Department, be changed to the appropriate City authority. The Committee approved the amendment.

As recommended by the Director of Planning and Development and the Building Commissioner, the Building Commissioner and the Chief Administrative Officer in a report dated 1996 June 26 the Committee recommended to Council as follows:

That approval be given to City Initiative 91-I, to regulate mobile signs on private property on the following basis:

(a) (i) That the Building Commissioner be directed to proactively enforce the current regulations of Zoning By-law No. 6593 as it applies to mobile signs on private property;

(ii) That the Appropriate City Authority be directed to proactively enforce the City Streets By-law No. 86-77 with respect to mobile signs on City road allowances; and,

(iii) That Regional Council be requested to proactively enforce the Regional Sign By-law No. 94-117 as it applies to mobile signs on the Regional Road allowances in the City;

for up to 120 days in advance of Council passing the by-law;

(b) That the Building Commissioner be directed to compile an inventory of all mobile signs deemed non-conforming under the by-law to be passed under the Municipal Act (APPENDIX "B" attached); and,

(c) That the by-law to regulate mobile signs on private property, in accordance with the provisions of the Municipal Act, (see attached APPENDIX "B") not be passed by Council until the Building Commissioner has advised that the inventory of the non-conforming mobile signs has been completed and illegal signs have been identified.

3. **Referral Back From Council**

Delegations: Roof Leaders - Land Drainage By-law

a) Tony Horvat, Regional Conservation Authority
b) Addi Irani, Hamilton Home Builders Association
c) Eugene Chajka, Regional Environment Department

Tony Horvat of the Regional Conservation Authority, a Senior Engineer was present and stated that sediment ends up in the Harbour and in the Windamere Basin. He also stated that there was a direct impact on the aquatic environment and that the water must be treated. The Ministry of Natural Resources is recommending discharge into a grassed area. There is a low cost measure and low maintenance to this proposal. He said that so far over $600,000,000 have been spent on the Harbour and the Remedial Action Plan and and another $600,000 is still to be spent.

A Roof Leader Land Drainage By-law will help protect the environment and the investment of the Community on the Harbour.

Addi Irani of the Hamilton Home Builders Association was present and stated that on 1995 August he came before the Committee and supports the recommendation. In the past 9 months he says that he has worked with the City and the Region to come up with a solution.

Mr. Irani also stated that two concerns have to be considered. It is being made a requirement to have storm water management report for any new development and the water must be discharged so as not to inconvenience other residents. He also stated in the recommendation that full lots be sodded is important.

Alderman Charters suggested that the Lot Grading Plans be registered on title so that they cannot be changed.

Eugene Chajka advised that the Site Plan which has Lot Grading included as registered on Title. Part of the Subdivision Agreement also has Lot Grading included that later gets discharged and is not on the land forever.

Addi Irani explained that the previous Task Force recommended against it because the City becomes responsible and will become involved in civil disputes. Mr. Chajka explained that the larger picture is that the Storm Water Management policy is emanating from the Province who requires quality control of water management. He stated that this management will include two parts: first the conformity, the same situation for water drainage for singles and semis; and, secondly addressing the issues and involving public participation.

Alderman Copps was concerned that the ponding would further help mosquito breeding.

In response to that, Eugene Chajka stated that the ponds will exist, it is just a matter of how much water will be ponding.

In response to a question from Alderman Eisenberger, Eugene Chajka stated that presently the proposal applies to single family homes but that the cost of the study for land drainage on the property will make it prohibitive to have the grassy drainage and the owners would probably discharge into the storm sewers.

Addi Irani suggested that it would be appropriate for new development of three or more dwellings.

Alderman Merling advised that there have been problems for years in terms of grading and waterflow, but there is a need to safeguard therefore the registering of on title of the lot grading is important.

Alderman Merling advised that many developers will have the roof leaders attached to the storm sewers regardless of the recommendation. He felt that with ponding they would eventually be leakage in basements. With this new proposal, there are no great savings, but he felt that there would be some risks.

Alderman Charters suggested that registering the lot grading on title be a part of site plan approval.

Alderman D'Amico concurred and stated that the City might consider inspections of lot grading charged back to the homeowner.

With regard to Item c) of the Recommendation, Eugene Chajka advised that storm sewers were within the Region's mandate while the City is responsible for the water drainage.

After considerable discussion, the Committee resolved that the recommendation be amended to include provisions that:

a) that three or more lots only be included; and,

b) that lot grading be registered on title; and,

c) that the Ward Alderman be included in the review process to institute Storm Water Management; and,

d) that lot grading on subdivisions are to stay on each individual lot.

Subsequently the Committee recommended to Council as follows:

(a) That the City Solicitor be authorized and directed to amend Section 6 of the Land Drainage By-law No. 80-245, as amended, to include items (i) to (ix) inclusive as follows:

(i) Where a site design is prepared by a Professional Engineer and includes a Stormwater Management Study, and the design is acceptable to the City Engineer, and approved by the City after 1996 June 25, roof leaders may be discharged to the ground surface; and,

(ii) Where a Stormwater Management Study has been approved for a development, the recommendations in the study must be implemented; and,

(iii) Where roof leaders are not required to be connected to the storm sewer, the roof water shall discharge onto splashpads and then onto grassed and/or landscaped areas at least 0.6 metres from the building face; and,

(iv) The areas of the lot required to be sodded, must be sodded prior to the issuance of a grading certificate; and,

(v) Roof Leaders shall not discharge directly onto a sidewalk or driveway; and,

(vi) That the lot grading plans be registered on title; and,

(vii) That the subdivision plans which include lot grading remain on title for each individual lot in the subdivision; and,

(viii) That the Ward Alderman be included in the review process for the implementation of storm water management; and,

(ix) That the review process and implementation of storm water management be applicable only to developments of 3 or more lots.

(b) That the Building Commissioner be authorized and directed to prepare a report to make revisions to the Property Standards By-law No. 94-185, as required, to eliminate any inconsistencies with the recommendations in this report; and,

(c) That the City request that the Region be directed to further review the Ministry of Environment and Energy "Stormwater Management Practices Planning and Design Manual, 1994 June" to develop specific stormwater management policies and lot grading guidelines for use within the City of Hamilton.

*Alderman Copps opposed.

4. Delegation - Social Housing and Access Committee - Andrea Horwath and Hugh Tye - Changes to Residential Tenancies Legislation Implications for Hamilton

A document prepared for the Planning and Development Committee dated 1996 July 3 was distributed to the Committee.

Andrea Horwath explained that she is concerned with the depletion with affordable housing rental stock. To be competitive, the City must have a mix of housing.

Hugh Tye advised that the focus is on the preservation of affordable housing stock. Rental control would disappear as units become vacant under the new legislation. He stated that this is extremely important in a population that is hard hit with reduced funding for rental income. That, in addition to the new rental housing legislation, will make it difficult for people to meet their housing needs. There has even been a harassment unit set up in light of the fact that landlords may harass tenants to move out in order to increase their rental fee.

The Chairman of the Committee explained that a report is forthcoming from staff for the 1996 August meeting of the Planning and Development Committee. He suggested that Andrea Horwath and Hugh Tye meet with Bill Janssen of the Planning and Development Department to review their report and present any input to the Committee.

Following a brief discussion, the Planning and Development Committee referred the report to staff to be considered in the Planning and Development report for 1996 August.

5. CONSENT AGENDA

a) Adoption of the Minutes

i) Minutes of the Meeting held 1996 June 19

Minutes of the meeting held 1996 June 19 were adopted as circulated.

ii) Minutes of the Special Meeting held 1996 June 25

Minutes of the Special meeting held 1996 June 25 were adopted as circulated.

b) Building Commissioner

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

Barton Street Revitalization - Visual Arts, dated 1996 June 20:

(i) That the budget as outlined in APPENDIX "C" be approved for the Visual Arts component of the Barton Street Revitalization Program; and,

(ii) That the City Treasurer be authorized and directed to forward $20,000 for the Visual Arts component to the Barton Street B.I.A.

c) **Commissioner of Public Works and Traffic**

Eighth Annual Public Service Announcement Competition:
Public Service Announcement "Keep Hamilton Clean Competition," dated 1996 June 26:

(i) That the following prizes be awarded to the Mohawk College broadcasting students for their submissions in the Public Service Announcement (P.S.A.) competition:

First Prize:	Matthew Taylor
Second Prize:	Debbie Hogg
Third Prize:	Sheileen Kew

All of the P.S.A.'s contain messages about keeping Hamilton clean.

(ii) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at $600; second prize at $400; third prize at $200; and, a donation to Mohawk College Media Studies Department of $1,300 for development of the videos and use of equipment.

d) **Commissioner, Regional Environmental Department**

Claudette Gardens - Phase 6 "Rymal Square Estates",
5% cash in lieu of Parkland Dedication, dated 1996 June 21:

(i) That Item 9 of the Planning and Development Committee Report 10-94, approved by Council on 1994 June 28, regarding approval of the cash payment in lieu of 5% parkland dedication in the amount of $3,400 for "Claudette Gardens - Phase 6" be rescinded and replaced with Item (b) below.

(ii) That the City of Hamilton accept the sum of $7,000 as cash payment in lieu of 5% land dedication in connection with "Claudette Gardens - Phase 6", Hamilton, and $33,750 in connection with "Rymal Square Estates - Phase 6", as being the cash payment required under Section 51 of the Planning Act.

e) **Director of Planning and Development**

(i) City of Stoney Creek Official Plan Amendment, Secondary Plan for the Olde Town District - City of Hamilton Comments, dated 1996 June 24:

That the City Clerk advise the City of Stoney Creek that:

1) the City of Hamilton supports the City of Stoney Creek's Official Plan Amendment, Secondary Plan and associated zoning changes for the Olde Town with the exception of the Cardinal Newman Secondary School site.

2) the Cardinal Newman School site should not be designated MEDIUM DENSITY in the Secondary Plan until such time as the Stoney Creek, in conjunction with the City of Hamilton, develops a comprehensive plan for the site. Furthermore, that vehicular access be prohibited from Cromwell Crescent.

(ii) Gore Heritage Design Study - Request for a Public Meeting, dated 1996 June 26:

The Planning and Development Committee authorized a Public Information Meeting to discuss the various options proposed in the Gore Heritage Design Study.

f) Secretary, Planning and Development Committee

The Committee received for information the following item which was received under separate cover:

Director of Planning and Chief Administrative Officer Site Plans for Approval dated 1996 June 24

6. PRIVATE AND CONFIDENTIAL AGENDA

City Solicitor:Leave to Appeal Ainsley Wood Neighbourhood By-law No.95-02 and 95-033 (Monster Homes).

The Committee approved the recommendation of the City Solicitor dated 1996 June 26 and recommended to Council as follows:

That the City appear to oppose requests for leave to appeal from the decision of the Ontario Municipal Board which decision was the denial to a request to an adjournment of a hearing regarding the Ainslie Wood Neighbourhood By-laws No. 95-02 and 95-03 ("Monster Homes").

7. OTHER BUSINESS

a) A submission was received from Dan Upstell of the Westdale Village B.I.A. with regard to ordering planters for the Westdale B.I.A. Alderman Caplan advised that the budget for the B.I.A. has been passed and the money is in the budget.

Mary Pocius stated that the B.I.A. wants to tender for the planters themselves.

John Avery of the Purchasing Department was present, he stated that because the expenditure is not of a large amount, it can be processed through the Purchasing Department.

The Committee moved to receive the submission.

b) Alderman Merling requested and the Committee concurred that the Building Commissioner draft and bring forward to a subsequent meeting of the Planning and Development Committee, a report regarding bringing responsibility for administration of Subdivisions, Condominium Control and Part Lot Control to the City from the Region.

8. SUBMISSION FROM THE HAMILTON REGIONAL ARTS COUNCIL REGARDING BUILDING PERMITS FOR THE PAINTING OF MURALS

The Committee moved to receive the correspondence from the Hamilton Regional Arts Council dated 1996 July 2.

9. ADJOURNMENT

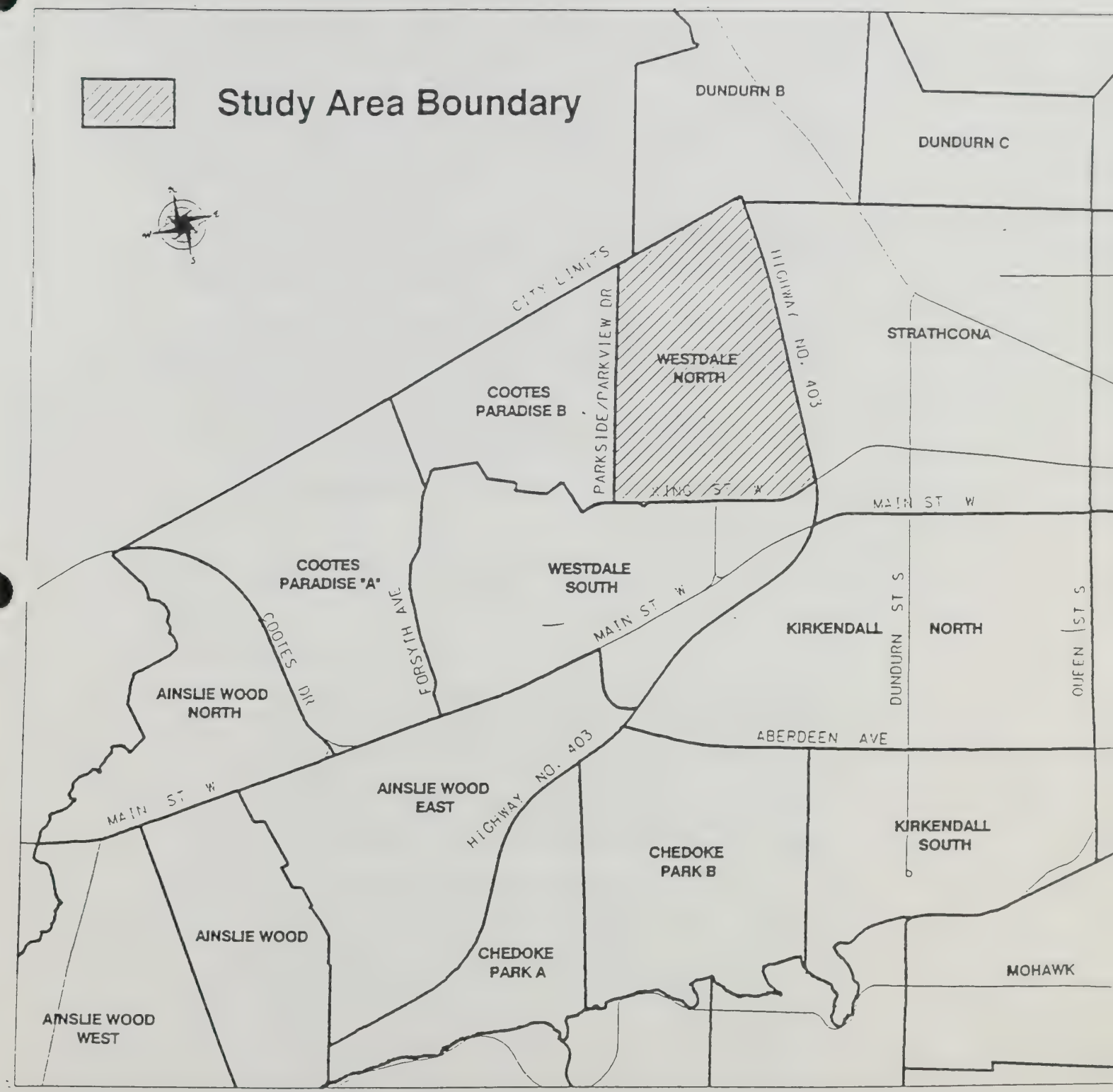
There being no further business, the Committee Meeting adjourned.

Taken as read and approved

Alderman Don Drury, Chairman
Planning and Development Committee

Tina Agnello, Secretary

Appendix "A" referred to in
Section 1. of the Planning and
Development Committee Minutes
dated 1996 July 03



Appendix "B" referred to in Section 2 of the Planning and Development Committee Minutes dated 1996 July 03

THE CORPORATION OF THE CITY OF HAMILTON
BY-LAW NO.

A BY-LAW TO REGULATE THE SIZE, USE, LOCATION AND MAINTENANCE OF MOBILE SIGNS ON PRIVATE PROPERTY WITHIN THE CITY OF HAMILTON

WHEREAS Section 210, paragraph 146 of the Municipal Act R.S.O. 1990, c.M. 45, authorizes a council of a local municipality to pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof,

AND WHEREAS the Council of The Corporation of the City of Hamilton has deemed it desirable to enact a by-law regulating the size, use, location and maintenance of mobile signs on private property for the purpose of ensuring that mobile signs minimize hazards to pedestrian and vehicular traffic,

AND WHEREAS Council has deemed it desirable to enact a by-law which imposes restrictions on the number of mobile sign permits that will be issued and to limit the amount of time a mobile sign can be placed in one location for the purpose of maintaining and preserving the aesthetic integrity of the urban landscape,

AND WHEREAS Council is empowered under Section 326 of the Municipal Act, R.S.O. 1990, c.M.45, to require compliance with this by-law, and upon default of such compliance, may carry out such corrective action as is deemed appropriate and may recover the expenses incurred in doing so in like manner as municipal taxes,

AND WHEREAS Council is empowered under Section 320 of the Municipal Act, R.S.O. 1990, c.M.45 to impose fines for the contravention of any by-law,

NOW THEREFORE the Council for The Corporation of the City of Hamilton ENACTS as follows:

ADMINISTRATION AND GENERAL PROVISIONS

Definitions

1. In this By-law,

(a) "agent" means a person designated by another person to act on his behalf;
(b) "applicant" means a person applying for a mobile sign permit under this By-law;
(c) "business" means any one activity, dealing, occupation or trade of either a commercial, industrial or professional endeavour as carried out or engaged in, at an establishment;
(d) "Chief Building Official" means the person appointed by the Council as the Chief Building Official for the City of Hamilton and includes his designate;
(e) "City" means the City of Hamilton in the Regional Municipality of Hamilton-Wentworth;
(f) "commercial district" means property that is zoned commercial as defined under City of Hamilton Zoning By-law 6593 as amended;
(g) "commercial or industrial complex" includes a shopping centre, shopping mall, shopping plaza, strip plaza, mall or place and is a group of three or more commercial uses excluding professional and administrative offices;
(h) "Corporation" means The Corporation of the City of Hamilton;
(i) "Council" means the Council for The Corporation of the City of Hamilton;
(j) "daylight triangle" means an area of a corner lot which is determined after the side lot line adjacent to the street and the street lot line have been extended to their point of intersection and by measuring from the point of intersection of the two lot lines a distance of 9.0m, along each lot line and joining such points with a straight line. The triangularly-shaped land between the point of intersection of such lot lines and the straight line joining the points at the designated distance along each such lot line shall be known as the "daylight triangle";
(k) "downtown core" means the area shown on Schedule "A" of this By-law;
(l) "electronic variable message centre (EVMC)" means an illuminated sign or part thereof which is computer controlled and which displays information to the public

or attracts attention to the message by way of a pre-arranged or variable sequence of electronically generated letters, words, light patterns or shapes;

(m) "erect" includes the placing of, arranging for the placing of, the renting of, or the leasing of;

(n) "flashing mobile sign" means a mobile sign equipped with an intermittent or flashing light source;

(o) "street lot line" means the line that divides a lot from a street, but not a lane or alleyway;

(p) "grade" means the average level or elevation of the finished surface of the ground adjoining a building at all of the exterior walls or the mobile sign structure at the point of contact with the ground but shall not include any artificial embankment or planter box;

(q) "illumination" means lighting of the sign, in whole or in part by artificial means. Internal illumination means lighting the sign face with a light source located within the sign; external illumination means having a light source exterior to the sign and on, or directed at the sign, and flashing illumination means illumination that varies and is perceived to vary in intensity or design at periodic intervals;

(r) "industrial district" means property that is zoned industrial and defined under City of Hamilton Zoning By-law 6593 as amended;

(s) "message board" means that part of a sign on which the copy, characters, symbols or letters used to create the sign message are displayed, and "display surface" shall have a similar meaning;

(t) "mobile sign" means a sign mounted on a trailer or other free standing structure which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;

(u) "mobile sign permit" means a mobile sign permit issued by the Chief Building Official or his designate pursuant to the provisions of this By-law for the legal display of a mobile sign;

(v) "motorized vehicle" means an automobile, truck, motorcycle or similar self-propelled means of transport but does not include a trailer;

(w) "multiple address location" means a location where two or more municipal addresses are contained in the same commercial or industrial complex or place;

(x) "permit holder" means a person who holds a valid mobile sign permit issued under this By-law;

(y) "person" means an individual, firm, corporation, association or partnership and includes an owner and lessee of a property;

(z) "premises" means specific property, and includes all buildings and accessory structures thereon;

(aa) "property" means and refers to the location where a sign is to be positioned for display, or is displayed, or can be a reference to a specific street address of a business and includes a multiple address location;

(bb) "sign" means any medium or device including its structure and other component parts which is used or capable of being used to attract attention to a specific matter other than itself, for identification, information, business promotion or advertising purposes;

(cc) "sign area" means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border shall include all the area of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign;

(dd) "sign height" means the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame;

(ee) "third party advertising" means the advertising contents of a mobile sign which is meant to direct attention for the purposes of marketing, promoting or advertising a business, product, service, activity or facility which is provided at a location other than where the sign is located; and,

(ff) "unsafe sign" means a sign which is either structurally unsafe, or which constitutes a fire or safety hazard, or impedes the movement of vehicular or pedestrian traffic, or which would otherwise constitute a risk to the safety of persons or premises.

Administration

2. The Chief Building Official or his designate shall:

(a) receive and process all applications for mobile sign permits required under this By-law;
(b) administer the issuance of mobile sign permits in accordance with provisions of this By-law;
(c) maintain and keep records of all applications received for mobile sign permits and records of all mobile sign permits issued;
(d) generally perform administrative functions incidental and necessary to the due administration and enforcement of this By-law.

Mobile Sign Permits

3. No person or his agent shall erect, display or otherwise use a mobile sign, without first obtaining a mobile sign permit as provided by this By-law.

4. A person or his agent, may obtain a mobile sign permit if:
   (a) he completes an application form provided by the Chief Building Official or his designate;
   (b) he files, as may be required by the Chief Building Official, in duplicate, a sketch of sufficient detail and quality as is necessary to ascertain whether or not the mobile sign will be in compliance with this By-law with accurate measurements of distances showing the intended location of the mobile sign and from that location the:
      (i) distance to the nearest street lot line;
      (ii) distance to the nearest edge of pavement of the nearest roadway;
      (iii) distance to the nearest edge of pavement at the intersection of two or more streets;
      (iv) distance to the nearest edge of the nearest mobile sign;
      (v) distance to the nearest edge of a building;
      (vi) distance to the nearest residential property; and
   (c) he files, as may be required by the Chief Building Official, measurements of the size of the mobile sign and it's supporting framework.

5. The number of days that a mobile sign is erected or displayed, shall be determined from the date and including the day of permit issuance, or date of erection if the mobile sign was erected prior to permit issuance.

6. The Chief Building Official or his designate may require a person, or his agent to provide proof of interest either as a lessee, renter, tenant or owner of the property on which the mobile sign is to be located, and/or a legal survey of the property on which the mobile sign is located or is intended to be located.

7. At any one property a maximum of one (2) mobile sign permits may be granted at any one time provided that there is a minimum distance of 30 meters between each mobile sign on the same property.

8. No mobile sign permit shall be issued for a property, person or business at a municipal address or location where thirty (30) days have not transpired since the expiry date on the previous mobile sign permit for that property.

9. No person shall make application for a mobile sign permit who is not the owner, or the authorized agent of the owner of the property on which the mobile sign is to be placed.

10. No person, or his agent shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a mobile sign permit, or revision thereto.

11. No person, or his agent shall apply for or receive, more than twelve (12) mobile sign permits for any property within any one (1) calendar year in accordance with section 7 above.

12. Applications will be processed in order of date and time received but no permit will be issued for a property which already has a mobile sign permit and until that mobile sign permit has expired.

13. A person or his agent or a permit holder may erect, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign where the sign is not in the "downtown core" (as defined on Schedule "A" to this By-law) and:

(a) is located on property which is zoned as:

(i) a "commercial district" including:

1. the "G" Districts including "G", "G-1", "G-2" and "G-4" [except "G-3" (Public Parking Lot) District]; and
2. the "H" and "HH" Districts; or

(ii) an "industrial district" including:

1. the "J" and "JJ" Districts;
2. the "K" and "KK" Districts; and
3. the "M" Districts, including "M-11", "M-12", "M-13", "M-14", and "M-15";

(b) is displaying a message that clearly indicates the use is for the property for which an application has been made;

(c) is in good repair and has not become unsafe, unsightly or dangerous;

(d) is situated at grade;

(e) where it is electrically illuminated, has Ontario Hydro safety code approval;

(f) where it is utilizing electrical power, uses only an electrical cord that has C.S.A. approval;

(g) is located on private property and is not located on a road allowance;

(h) where it is located within 100 feet (30.5 metres) of a residential zone, is equipped with a timer to turn off the light source in order to eliminate any annoyance to persons in the adjoining residential zones between the hours of 10:00 P.M. and 8:00 A.M.;

(i) has the name and telephone number of the owner of the mobile sign affixed to the mobile sign at a clearly visible location;

(j) has not greater than 5.6m^2 of sign area per face with no one dimension greater than 2.4m; and

(k) has a sign height that does not exceed 2.4m.

14. No person, or his agent or permit holder, shall erect, permit to be erected, display or otherwise use a mobile sign or cause to erect, display or otherwise use a mobile sign on lands or buildings owned, rented, leased or occupied by them:

(a) for more than six (6), fifteen (15) consecutive day increments based on the calendar year at any property to which the mobile sign permit was issued;

(b) on a property where a previous mobile sign permit has expired and no further permits are available in accordance with subsection (a) above;

(c) the content of which would indicate a contravention of any zoning or other by-law, Act or regulation enforceable in the municipality, or which would identify, advertise or provide information in relation to a use or occupancy not permitted under a Zoning By-law;

(d) contrary to the approved location on a sketch, and contrary to information on the application, in respect of which the mobile sign permit was issued;

(e) which is for the purpose of third party advertising;

(f) so as to obstruct openings required for light and ventilation, any required means of egress or required access for fire fighting;

(g) at any location where the sign obstructs the sightlines and view of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device;

(h) which obstructs or otherwise interferes with an exit door or fire escape, fire exit route, fire hydrant, or yard hydrant so as to prevent or impede the free access of emergency vehicles and personnel to emergency equipment or to any part of a building requiring such access;

(i) which obstructs or otherwise impedes the parking of a motor vehicle or is situated in a required parking or manoeuvring area;

(j) with electrical wiring in the path of vehicular or pedestrian traffic;

(k) which has flashing or moving lights;

(l) which has moving, spinning or rotating parts or has any mechanical or electronic device to provide or simulate motion;

(m) which in whole, or in part is an electronic variable message centre;

(n) which emits illumination resembling an emergency light or traffic regulating device;

(o) prior to the issue date or after the expiry date as set out in the mobile sign permit;

(p) which would be an unsafe sign;

(q) within 50 feet (15 metres) of the closest edge of the nearest mobile sign;

(r) within 30 feet (9 metres) of the intersection of two streets;
(s) within 50 feet (15 metres) of a residential district;
(t) where the setback from property lines to the mobile sign is less than 1.5 metres;
(u) where the mobile sign is elevated on any temporary or permanent object which is being used as the base for a mobile sign or part of a mobile sign structure;
(v) where the property is zoned anything other than that indicated in section 13;
(w) where the property on which the mobile sign is located is zoned "residential";
(x) where the property on which the mobile sign is situated is located, in the downtown core as shown on Schedule "A" of this By-law;
(y) where two mobile sign permits have already been issued for the property and have not expired;
(z) where the mobile sign would not comply with this or any other by-law;
(aa) which has more than two sign faces or any one sign face which exceeds 5.6m^2 in area or has any one dimension that is greater than 2.4m;
(bb) which has a maximum height measured from grade greater than 2.4m; and

15. A person or his agent shall place the mobile sign at the municipal address of the person named on the application.

16. The permit fee as set out in Schedule "B" shall be submitted with each application for a mobile sign permit.

17. The permit fee as set out in Schedule "B" does not apply to an application for a City of Hamilton sponsored event.

REVOCATION OF A PERMIT

18. A mobile sign permit may be revoked by the Chief Building Official or his designate under the following circumstances:
(a) where the mobile sign does not conform to this By-law and amendments thereto;
(b) where the mobile sign does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the sign is situated;
(c) where the mobile sign permit has been issued as the result of false, incorrect or misleading statements;
(d) where the mobile sign permit has been issued in error by the Chief Building Official or his designate.

VARIANCES

19. (a) Where the applicant or person in control of a sign for any reason is unable to comply with the provisions and regulations under this by-law, such person may apply to the Council for a minor variance from the provisions and regulations of this by-law.

The Council shall hear all such applications and may authorize minor variances from the provisions and regulations of this by-law.

(b) All applications for a minor variance shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash, in the amount of three hundred dollars ($300.00). The variance fee shall not be refundable.

PENALTIES AND ENFORCEMENT

Removal of Illegal Mobile Signs

20. (a) When a mobile sign is erected or displayed in contravention of the provisions of this By-law, the mobile sign shall be removed immediately without notice, where located on, over, partly on, or partly over, property owned by or under the jurisdiction of the City of Hamilton;
(b) Where a mobile sign is located on property other than property owned by or under the jurisdiction of the City of Hamilton, the Chief Building Official or his designate may forward a notice, by personal service or regular post, to the Lessee

or owner of the sign, or their agents, or to the person or agent having the use or major benefit of the mobile sign, requiring that the mobile sign be permanently removed within the time specified in the Notice and thereafter not replaced with any mobile sign in contravention of this By-law;

(c) If the Notice is not complied with the Chief Building Official or his designate may require that the municipality, its employees, or an independent contractor enter upon the land and remove such mobile sign. The owner of the land upon which the mobile sign was located shall pay for any costs or expenses of the City. Such costs or expenses may be recovered in like manner as municipal taxes under the provisions of Section 326 of the Municipal Act, R.S.O. 1990, c.M.45 as amended from time to time;

(d) where a mobile sign is deemed by the Chief Building Official or his designate to be in such a condition or location that it is or may be a hazard to the public, the Chief Building Official or his designate may either serve written notice to the owner or tenant of the property on which, or in front of which such mobile sign is located, to remove such mobile sign or make the same safe, or without giving notice to the owner or tenant of the property on which such mobile sign is located, cause such mobile sign or structure to be removed;

(e) any sign removed pursuant to this Section may be deposited on the property on which or in front of which it was located or removed;

(f) mobile signs removed shall be stored by the City for a period of time of not more than thirty (30) days, during which time the owner or his agent may be entitled to redeem such mobile sign upon the payment to the City of a one hundred dollar ($100.00) fee in addition to any applicable costs or expenses referred to in subsection (c) above;

(g) where a mobile sign has been removed by the City and stored for a period of 30 days and has not been redeemed, such mobile sign shall be forthwith destroyed or otherwise disposed of by the City.

Penalty for Non-Compliance

21. (a) Any person who, on his own or by his agent, contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time to a fine of not more than five thousand dollars ($5,000.00), exclusive of costs, for each offence. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such thereunder. Such fine shall be recoverable under the Provincial Offences Act.

(b) Where a person has been convicted of an offense under this By-law the Court may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted, directed toward the continuation or repetition of the offense.

(c) Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

Liability

22. Any persons erecting or maintaining any mobile sign or on whose property a mobile sign is located, shall be liable for such mobile sign. The municipality is hereby indemnified from and against all manner of claims for damages, loss, expense or otherwise arising from the erection, maintenance, removal or falling of such mobile sign or part thereof.

Notice

23. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by registered mail addressed to the person making application for permit to erect a mobile sign, or where such sign is existing, by ordinary mail to the owner or tenant, according to the last revised Assessment Roll of the municipality, of the property on which, or in front of which, the sign is located, or at the last address for

delivery appearing on the records of the Chief Building Official or his designate. Where service is effected by registered mail, it shall be deemed to be made on the third day after the date of mailing.

Schedules

24. All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

Applicability

25. This By-law shall be applicable to all lands within the corporate limits of the City of Hamilton.

Validity

26. If a court of competent jurisdiction declares any provisions or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

Meaning

27. For the purpose of this By-law, where the words "his" or "he" is used they shall also mean or stand for the words "her" "she" and "it" in the case of a corporation.

Short Title

28. This By-law shall be known as the Mobile Sign By-law.

Effective Date

29. This By-law comes into force and takes effect on the day of , 19 .

ENACTED AND PASSED this day of , 19 .

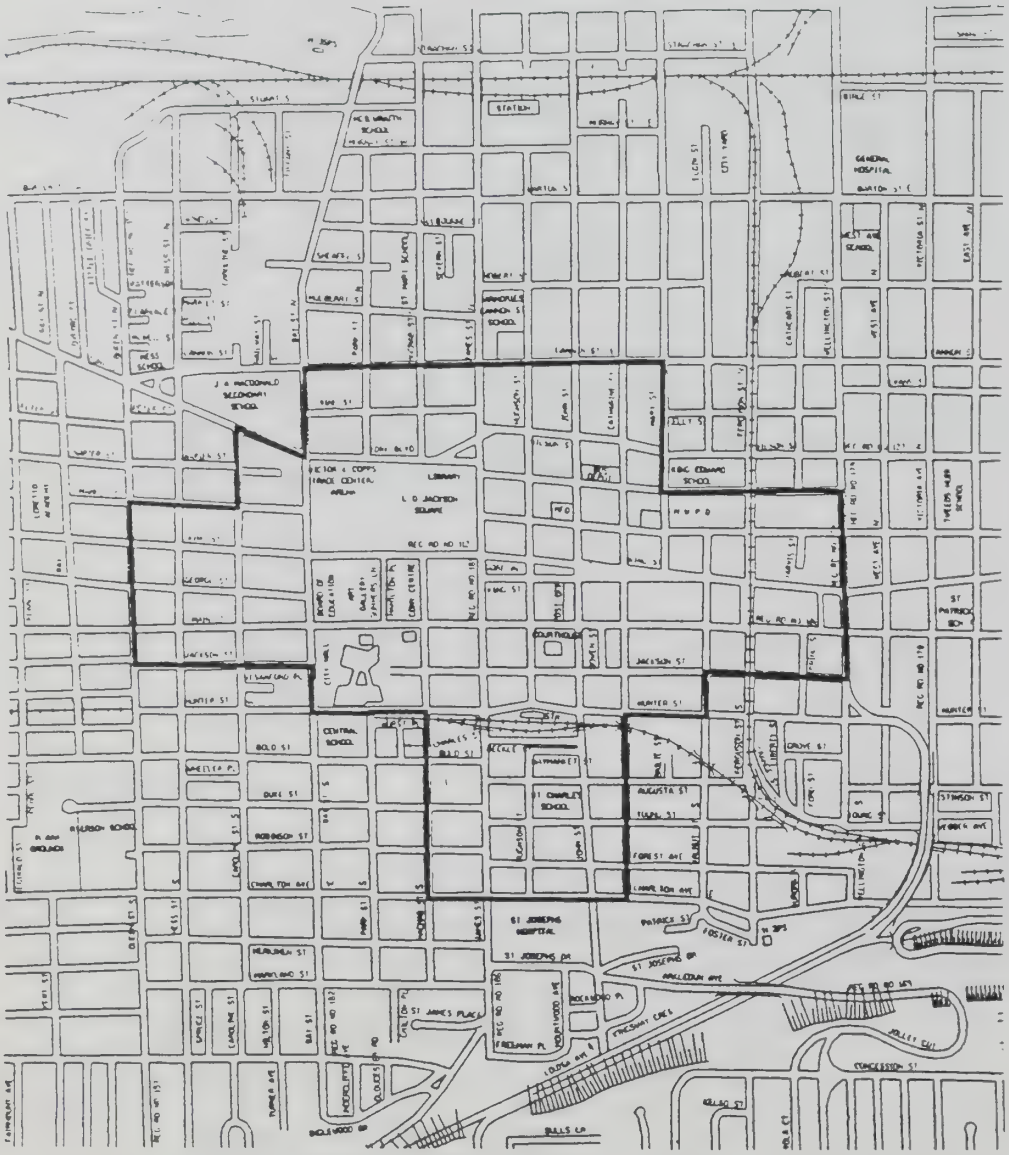
THE CORPORATION OF THE CITY OF HAMILTON

_____

ROBERT M. MORROW, MAYOR

_____

JOSEPH J. SCHATZ, CITY CLERK



This is Schedule "A" to By-Law No. 96 –.....
Passed the ..... day of ....., 1996.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 96–.....

Planning and Development Department

Legend

Delineates Boundary of Downtown Core

North	Scale	Reference File No
	NOT TO SCALE	CI-91-I
	Date	Drawn By
	April 1996	R.L.

Terms of Reference: PUBLIC ART, Barton General B.I.A.

1. Sponsors - The City of Hamilton and the Barton General Business Improvement Area

   - The City is represented in the redevelopment of Barton Street by the Building Department and the Public Works and Traffic Department.

   - Barton General B.I.A. consists of levied members with an elected executive committee.

   - To monitor the programme, there is a "Barton Street Revitalization Committee" consisting of representatives from the Building Department, Public Works and Traffic Department, the City's Arts Co-ordinator, Social Planning and Research Council, Barton General B.I.A., and the neighbourhood itself. The Committee meets once each month.

2. Background

   - Barton Street, between Wellington and Wentworth Streets, was targeted for re-vitalization through special projects in the following categories: (i) improvements to commercial properties through a grant/loan programme; (ii) street-scape improvements; (iii) public art.

   - In the first year of the public art programme (1995), three small-scale murals were completed. In an independent project (1994), murals were also installed on the exterior of the former gymnasium at West Avenue School.

   - From plans approved in 1995, the Parks Development Division of the Public Works and Traffic Dept. created a new courtyard park (1996 May) on the north side of West Avenue School, facing Barton Street. In this park are two designated locations for sculpture.

   - It has been decided to continue with public art projects in 1996.

3. Recommended Process

   - That specific artists be invited to work with the Revitalization Committee, in a team approach to the project. These artists would be asked to submit preliminary proposals based on the Revitalization Committee's site recommendations. The artists would become involved based on their abilities, experience in the field of public art, the nature of their preliminary proposals, with resulting direct commissions.

.../2

- That two or three significant projects be undertaken: One would address the sculpture locations in the park. The others would be wall murals.

- That the artists' responses to the project requirements be received by June 30/96 in the form of a two-part proposal: (i) rendering of the artist's concept; (ii) brief written explanation of the approach/concept and an estimated budget.

- That the total commissions including materials, installations, artist fee, insurance, and any other project related expenses be as follows: Sculptures $12,000.; Murals $8,000.

- That the public art projects be completed by 1996 October 31.

4. General Requirements - Public Art, Barton Street 1996

- Theme: The Past Speaks to the Future

- Each work should encompass a relevance to its particular site as well as a universality which allows it to be enjoyed by anyone, regardless of the viewer's cultural background.

- Construction and installation methods, construction materials, must ensure the safety of the general public.

- Choice of materials must be based on practical considerations as well as aesthetic ones: for example, the use of durable, weather-tolerant, low-maintenance materials.

- Commission payments will be awarded in two or three segments: the initial one for start-up purposes; the final one on completion of the contract.

- Proposed designs must be approved by the Barton General B.I.A., the Barton Street Revitalization Committee and the owners of the site property (if applicable) before construction begins. For the sculptures, the committee may request maquettes. For both types of projects a materials list is to be supplied with the budget, accompanied by a maintenance schedule.

5. Artists' Contact:

Cheryl York
Arts Co-ordinator
Dept of Culture and Recreation
71 Main St W
Hamilton On L8N 3T4

(905) 546-2036

/cdy

B

CITY OF HAMILTON

JUL 18 1996

- RECOMMENDATION -

DATE: 1996 July 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: Appeal by HHC to OMB

RECOMMENDATION:

That the City agree to the request of the Hamilton Harbour Commissioners to have the OMB hearing scheduled to commence November 17th, for a 2 week period, adjourned until 1997, with a date to be set satisfactory to all parties.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Postponing the full hearing until 1997 may avoid or delay court and other legal courts costs associated with the application. Pursuant to Bill C-44, The Canada Marine Act, the status of HHC would be determined by an application to the Minister of Transport.

BACKGROUND:

At the regular meeting of the Finance and Administration Committee Tuesday June 18, 1996, an information report on the proposed Federal Bill was received. In addition, a verbal update was given of the OMB pre-hearing which was held in Hamilton on the day prior (June 17, 1996). At the OMB pre-hearing the lawyer for the HHC proposed an adjournment of the full hearing until 1997, due to the tabling in the House of Commons of Bill C-44. We were unable to comment or consent without Committee approval. Subsequently, I was able to discuss the request with Mr. Ian Binnie who represents the City at the OMB hearings. He requested a consent to the adjournment based on the uncertainty of the status of the HHC and their land use by-laws. In the event that the Bill, C-44, receives royal assent, and the HHC as we know them today would disappear, and their own land use by-laws will become null and void. One of the most contentious points in this OMB hearing is the

request of the HHC to have their own land use plans/by-laws incorporated by reference into the City's Bylaw, thereby taking the City's authority to govern land use completely out of the City and Province's domain. This point is the basis for our application to Divisional Court for declaration that it is ultra vires the OMB to consider the HHC request. The application before the Divisional Court has also been put on hold pending the new legislation. Mr. Binnie considers it advisable to consent to the adjournment and allow the legislative framework to be put in place before incurring the costs of this court application. Based on the foregoing, the above recommendation is placed before you. Attached is the formal decision of the Board Chairman as per the June 17th hearing. For those who were present, you will note some discrepancies. These are being addressed directly.

In addition to the verbal update on the June 17th, OMB pre-hearing, Committee and Council concurred in the resolution to request the Minister to hold a public meeting on Bill C-44 in the City of Hamilton; furthermore, Committee and Council directed a delegation comprised of the Mayor and Chairman of Finance and Administration to meet with the Minister on the City's position. The Office of the Deputy Prime Minister has requested the most recent resolutions of Council and with the local by-election concluded have indicated full support and leadership, once again as before, for a made in Hamilton solution.

As an aside, but relevant to the proposed Federal legislation: An article in the July 18, 1996 Spectator referenced an agreement between Transport Canada and St. Lawrence Seaway users to create a not for profit corporation to manage the Seaway. This agreement would be authorized under Part III of the Canada Marine Act, beginning at s.66. The purpose of this agreement is to promote a commercial approach to the operation of the Seaway and protect its integrity. The Act specifically accords a major role for Seaway users. This is separate and apart from the management of local port operations.

attach:

OB # 1996-3 FOLIO # 208
ORDER ISSUE DATE
JUN 2 7 1996
OB # 1996-3 FOLIO # 86

Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

LAW DEPARTMENT

O930278
R840150
R840352
O890062
O900127
O910145
O950071

At the request of Hamilton Harbour Commissioners the Regional Municipality of Hamilton-Wentworth has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1983, proposed Amendment No. 113 of the City of Hamilton
O.M.B. File No.: O930278
Region's File No.: 25-OP-HA-113

- and -

An application made to the Ontario Municipal Board by the Corporation of the City of Hamilton under Section 39 of the Planning Act R.S.O. 1980, c.379 for approval of Restricted Area By-law Nos, 83-231, as amended by 83-257, 83-232. 83-234 as it applies to this parts of Block 1 that consist of all of Pier 8 and the Marine Dockyard, 83-239 and 83-240 as amended by 83-259 in the City of Hamilton
O.M.B. File No.: R840150

- and

Hamilton Harbour Commissioners have appealed to the Ontario Municipal Board under subsection 3(18) of the Planning Act, 1983 against By-law 84-97 of the City of Hamilton
O.M.B. File No.: R840352

- and -

At the request of the Hamilton Harbour Commissioners, the Minister of Municipal Affairs has referred portions to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1983 for consideration of the following portions of Official Plan for the City of Hamilton:

i) Section A.2.7.2, page 39, being Deferral No. 8 insofar as it applies to the area identified as D1(i) on Schedule A, Land Use Concept Plan; and

ii) Schedule A, Land Use Concept Plan, the "Utilities" designation of the lands identified as D1(i)

Minister's File No.: 25-OP-0058
O.M.B. File No.: O890062

- and -

At the request of CN Railway and the Hamilton Harbour Commissioners, the Regional Municipality of Hamilton-Wentworth has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1983, proposed Amendment No. 66 to the Official Plan for the City of Hamilton.
O.M.B. File No.: O900127
Region's File No.: 25-OP-HA-066

- and -

At the request of Hamilton Harbour Commissioners and the Hamilton Region Conservation Authority, the Regional Municipality of Hamilton-Wentworth has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1983, proposed Amendment No. 87 of the City of Hamilton
O.M.B. File No.: O910145
Region's File No.: 25-OP-HA-087

- and -

At the request of the Hamilton Harbour Commissioners, the Regional Municipality of Hamilton-Wentworth has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1990, R.S.O. c. P.13 proposed Amendment No. 80 to the Official Plan of the City of Hamilton
O.M.B. File No.: O950071
Region's File No.: 25-OP-HA-080

COUNSEL:

A. Zuidema	for	City of Hamilton
S. M. Makuch R. Mickevicius - Student-at-law	for	Hamilton Harbour Commissioners

AGENT:

F. Morley	for	Hamilton Naturalist Club

MEMORANDUM OF ORAL DECISION delivered by E. F. CROSSLAND on June 17, 1996 **AND ORDER OF THE BOARD**

At the commencement of this prehearing, counsel for the Hamilton Harbour Commissioners advised the Board that the federal government had introduced legislation, Bill C-44, the Marine Tenant Act, which states that the Hamilton Harbour Commissioners will remain as it is. The Minister responsible for the Canada Ports Authority, providing he is satisfied, will provide the lettes patent required to operate the Harbour. Under the new legislation, the Hamilton Harbour Commissioners is to develop a detailed plan for the Harbour lands within six months after receiving the letters patent. He anticipates the legislation will be enacted before the end of the 1996 year.

He also stated one of his worst fears had come to fruition, that in spite of the statement made at the last hearing by counsel for the City of Hamilton, suggesting that he did not believe Council would take any action on the Official Plan Amendment or By-law until the Federal Government had finalized its course of action, the City is trying to close down one of the tenants of the Hamilton Harbour Commission because of non-conformity to the City's By-law and has issued an order to comply.

In reply, counsel for the City of Hamilton indicated that his friend was absolutely correct in his assertions and that the City had agreed not to take any action on the Official Plan Amendment or By-law until the Federal issue is resolved.

The reasons for Council's actions are:

1. The tenant mentioned is a company called "Clean Soils" that brings in contaminated soil and desensitizes it. Originally permission was denied because the lands are currently zoned AA and a by-law to rezone it F3 has been appealed to the Board. The suggested use is not permitted for either of these categories on the Harbour lands.

2. The only way this use could be permitted is, if the use was of shipping or navigation nature. In the original presentation it was indicated that the material would be delivered solely by ship. On the strength of this, the City approved it, subject to a Certificate of Approval from the Ministry of the Environment and Energy. Subsequently, a number of residents complained about contaminated material being delivered by trucks to the site and this changed the scenario. He further indicated he volunteered to exchange information with counsel for the Hamilton Harbour Commissioners, however his offer was rejected. Counsel for the City stated it is not trying to close down the tenant but simply trying to enforce the By-law and ensure that it is upheld.

Counsel for the Hamilton Harbour Commissioners voiced the opinion, given that the legislation is expected by the end of the year it might be appropriate to adjourn the hearing, scheduled to commence November 18, 1996 to sometime in January, 1997. However, he is still prepared to proceed on the earlier date.

Counsel for the City of Hamilton indicated he is not authorized to speak to the adjournment and suggested another prehearing.

As a result of the discussions, the Board will **not** adjourn the hearing scheduled to commence on November 18, 1996 for a period of two (2) weeks. It will however reserve a two (2) week period in January 1997 to be used if the legislation has not been passed prior to the commencement of the November 18, 1996 date. In the event this should happen, then the first day (November 18, 1996) can be used as a prehearing. Should it be required, counsel is to mutually agree on a suitable date for the hearing to be held in January, 1997 and advise this Member as soon as possible. This member is seized and can be spoken to if the need arises.

The Board so orders.

E. F. CROSSLAND
MEMBER

LAW DEPARTMENT

City of HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (416) 546-4520 / Fax (416) 546-2142

July 8, 1996

BY FAX: (416)326-5370

Ontario Municipal Board
The Minto Plaza
655 Bay Street, Suite 1500
Toronto ON M5G 1E5

Attention: E.F. Crossland, Board Member

RE: O.M.B. Lead File Number O930278
Harbour Matters
Memorandum of Oral Decision
delivered June 17, 1996

We have received the above Memorandum of Oral Decision.

At page 3, line 3, reference is made to the "Marine Tenant Act". For the purposes of clarification we note that the short title of the draft legislation is the "Canada Marine Act".

Page 4 lines 1 to 3 of the above memorandum reads as follows:

> "In reply, counsel for the City of Hamilton indicated that his friend was absolutely correct in his assertions and that the City had agreed not to take any action on the Official Plan Amendment or By-law until the Federal issue is resolved."

With the greatest respect to the Board we wish to advise that the above statement does not accurately reflect the statements made by Counsel for the City at the prehearing conference.

We would respectfully suggest that the passage be amended to read as follows:

> "In reply, Counsel for the City of Hamilton indicated that his friend was absolutely correct in his assertions that the City had issued an Order to Comply to the Harbour Commissioners and one of their tenants.

HAMILTON 150TH BIRTHDAY 1996

Counsel for the City noted that at the last prehearing, the City had not agreed to suspend the enforcement of By-laws and Official Plan Amendments before the Board."

We also wish to advise the Board that a recommendation to adjourn the hearing to January of 1997 will be made to our client next month. Assuming that we receive instructions to adjourn the Hearing, we will subsequently contact Mr. Makuch and the Board respectively to arrange a suitable Hearing date.

Yours very truly,

Art Zuidema, Solicitor
Development & Real Estate Services

AZ:cv
cc: McCarthy, Tétrault
Attention: I. Binnie
cc: Borden & Elliot, Barristers & Solicitors
Attention: Stanley M. Makuch

CITY OF HAMILTON

Ca)

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1995 July 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
336 East Avenue North - Tag Number 96848
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 336 East Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Map E-12)

PRESENT USE: One-half of a semi-detached, two-family dwelling

PROPOSED USE: One-half of a semi-detached, two-family dwelling

BRIEF DESCRIPTION: The property at 336 East Avenue North is in Ward 3 and is located in the Landsdale Neighbourhood (see attached neighbourhood map). The owner proposes to demolish the existing brick semi-detached dwelling and erect a new semi-detached two-family dwelling. An application has been made to the Committee of Adjustment (A-96:142) for minor variances to Zoning By-law 6593 (please see attached for specific variances). The Committee of Adjustment decision is not final. As of 1996 July 29, no building permit has been applied for to erect a new semi-detached two family dwelling, nor have there been any recent applications made to the Committee of Adjustment for a land division or the Planning Department for a zoning change.

Please be advised that demolition work began prior to a demolition permit being issued. Accordingly, an Order to Comply and an Order to Stop Work were issued on 1996 July 25 (please see attached). No LACAC interest. Lot size 19.830' x 121.50'.

Continued on Page Two .....

The owner of the property as per the demolition permit is:

Jacinto Arruda
17 Barton Street East
Hamilton On L8L 2Y6

The applicant as per the demolition permit is:

Edwin Alexander
80 Jones Street
Hamilton On L8R 1V1

SB/sb

City of HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

ORDER TO STOP WORK

Zoran Kristo
(905) 546-2583

ISSUED TO:

914919 Ontario Limited
6100 Airport Road
Mount Hope ON L0R 1W0

LOCATION:

336 EAST AVENUE NORTH
HAMILTON, Ontario

The demolition at the above location

IS **HEREBY ORDERED STOPPED** by the Chief Official pursuant to the provisions of The Building Code Act, S.O. 1992, Chapter 23, Section 14(1), because the Order issued 25 July 1996 by Inspector Zoran Kristo has not been complied with.

ALL PERSONS SHALL CEASE, DESIST FROM AND STOP WORK AT ONCE EXCEPT TO MAKE SAFE, and such work as necessary to comply with the above Order of the Inspector dated 25 July 1996.

Dated at Hamilton this 25th day of July 1996.

.....
Chief Building Official
of The Corporation of the
City of Hamilton

NOTE: "Penalties quoted in Section 36 of The Building Code Act, include maximum fines of $25,000.00 for individuals, $50,000.00 for Corporations and in addition to above, a maximum $10,000.00 per day for non compliance of an Order made by the Chief Official".

12e

City of HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

ORDER TO COMPLY

FILE NO:

ISSUED TO	LOCATION
914919 Ontario Limited 6100 Airport Road Mount Hope On L0R 1W0	**336 EAST AVENUE NORTH** HAMILTON, Ontario.

DEMOLITION

TAKE NOTICE THAT THE
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S) / REGULATION(S) / BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	The Building Code Act, S.O. 1992, Chapter 23, Section 8(1)	Demolition at the above address has commenced without the required permit being issued by the Chief Official. REQUIREMENT TO COMPLY: Obtain permit for demolition at the above address.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER / CONSTRUCTOR / OR PERSON APPARENTLY IN POSSESSION
AND HEREBY ORDERED TO COMPLY FORTHWITH

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE
UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT / REGULATION / BY-LAW

REGISTERED MAIL POSTED ON SITE RECEIVED BY	25 July 1996 DATE	Zoran Kristo INSPECTOR 546-2583	25 July 1996 DATE

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. A-96:142
SUBMISSION NO.

IN THE MATTER OF The Planning Act, 1983 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 10.(1), 10.(3), 10.(4) and 18.(3)(vi)(b)

AND IN THE MATTER OF Premises municipally known as **336-338 East Avenue North,** in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in a **"D" (Residential)** district;

AND IN THE MATTER OF AN APPLICATION by the agent Edwin Alexander, on behalf of the owner Jacinto Arruda, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, 1983, so as to permit the construction of a new two family dwelling upon the lands notwithstanding that:

1/ the lot width is 12.55m (41.16 ft) instead of the minimum required 18m (59.06 ft).
2/ the proposed dwelling will provide north and south side yard widths of at least 0.91m (3 ft) instead of the minimum required 1.2m (3.94 ft) and with further maximum 0.45m (1.5 ft) eave extension.
3/ the lot area is 470.32 square metres instead of the required 540 square metre (5812.70 sq ft) minimum.

THE DECISION OF THE COMMITTEE IS:

That the said application **IS GRANTED** for the following reasons:

The Committee is of the opinion that the proposed development is in keeping with the character of the established development in the neighbourhood.

The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief granted herein is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 45 of The Planning Act, 1983.

DATED AT HAMILTON this day, 1996 July 17

SIGNED:

B. Law (Chairman)

E. Begg

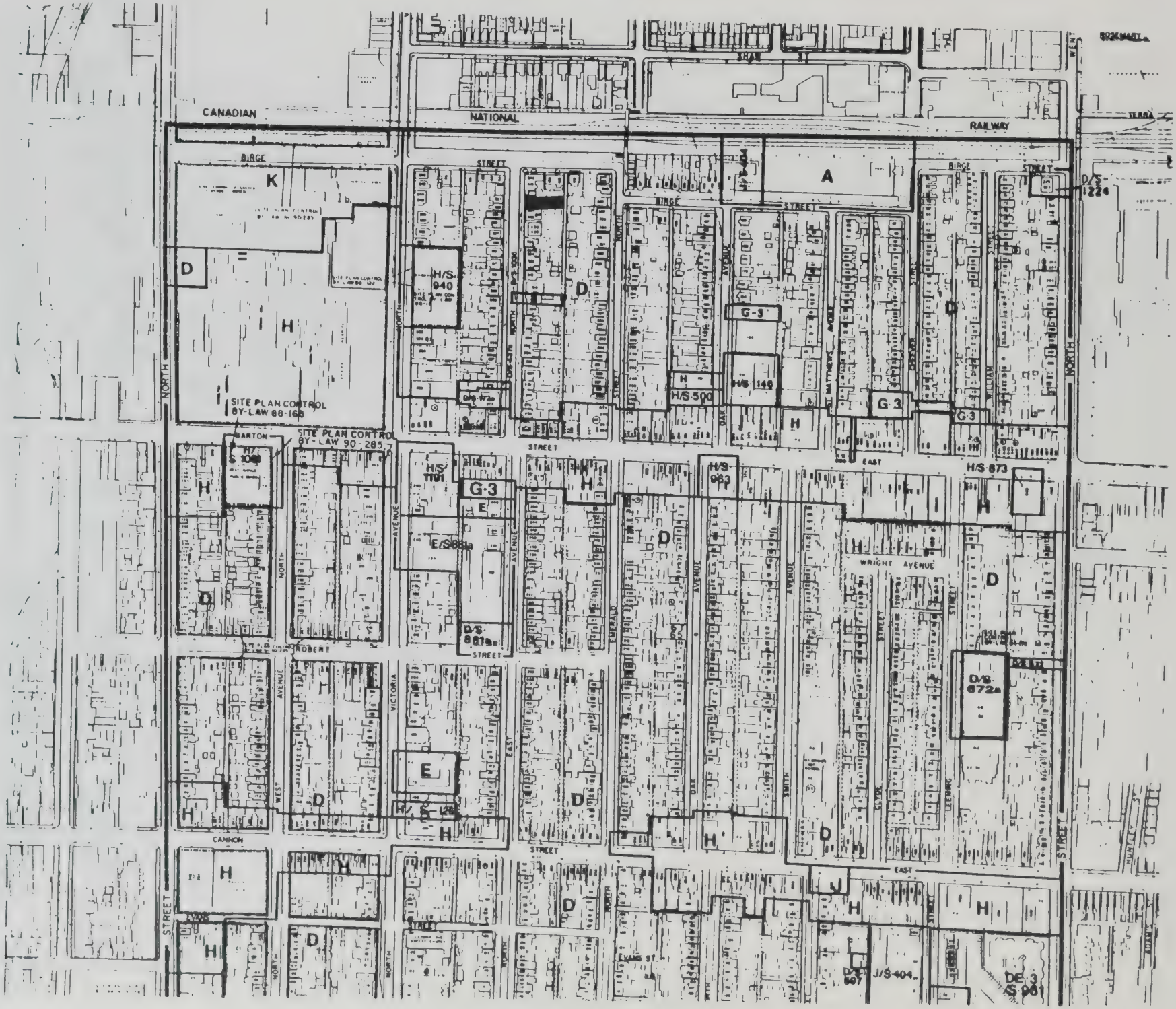
R. N. Cutler

M. Dudzic

D. Serwatuk

NOTE: This decision is not final and binding unless otherwise noted.

SUBJECT PROPERTY
336 EAST AVE. NORTH



CITY OF HAMILTON

C6)

- RECOMMENDATION -

DATE: 1995 July 30 AUG 1 3 1996

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
338 East Avenue North - Tag Number 96847
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 338 East Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D (Map E-12)

PRESENT USE: One half of a semi-detached two-family dwelling

PROPOSED USE: One half of a semi-detached two-family dwelling

BRIEF DESCRIPTION: The property at 338 East Avenue North is in Ward 3 and is located in the Landsdale Neighbourhood (see attached neighbourhood map). The owner proposes to demolish the existing brick semi-detached dwelling and erect a new semi-detached two-family dwelling. An application has been made to the Committee of Adjustment (A-96:142) for minor variances to Zoning By-law 6593 (please see attached for specific variances). The Committee of Adjustment decision is not final. As of 1996 July 29, no building permit has been applied for to erect a new semi-detached two family dwelling, nor have there been any recent applications made to the Committee of Adjustment for a land division or the Planning Department for a zoning change.

Please be advised that demolition work began prior to a demolition permit being issued. Accordingly, an Order to Comply and an Order to Stop Work were issued on 1996 July 25 (please see attached). No LACAC interest. Lot size 21.330' x 123.00'.

Continued on Page Two .....

The owner of the property as per the demolition permit is:

Jacinto Arruda
17 Barton Street East
Hamilton On L8L 2Y6

The applicant as per the demolition permit is:

Edwin Alexander
80 Jones Street
Hamilton On L8R 1V1

SB/sb

City of HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

ORDER TO STOP WORK

Zoran Kristo
(905) 546-2583

ISSUED TO:

Jose Sousa In Trust
17 Barton Street East
Hamilton ON L8L 2V6

LOCATION:

338 EAST AVENUE NORTH
HAMILTON, Ontario

The demolition at the above location

IS **HEREBY ORDERED STOPPED** by the Chief Official pursuant to the provisions of The Building Code Act, S.O. 1992, Chapter 23, Section 14(1), because the Order issued 25 July 1996 by Inspector Zoran Kristo has not been complied with.

ALL PERSONS SHALL CEASE, DESIST FROM AND STOP WORK AT ONCE EXCEPT TO MAKE SAFE, and such work as necessary to comply with the above Order of the Inspector dated 25 July 1996.

Dated at Hamilton this 25th day of July 1996.

.....
Chief Building Official
of The Corporation of the
City of Hamilton

NOTE: "Penalties quoted in Section 36 of The Building Code Act, include maximum fines of $25,000.00 for individuals, $50,000.00 for Corporations and in addition to above, a maximum $10,000.00 per day for non compliance of an Order made by the Chief Official".

12e

City of HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

ORDER TO COMPLY

FILE NO:

ISSUED TO	LOCATION
Jose Sousa In Trust 17 Barton Street East Hamilton ON L8L 2V6	**338 EAST AVENUE NORTH** HAMILTON, Ontario.

DEMOLITION

TAKE NOTICE THAT THE
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S) / REGULATION(S) / BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	The Building Code Act, S.O. 1992, Chapter 23, Section 8(1)	Demolition at the above address has commenced without the required permit being issued by the Chief Official. REQUIREMENT TO COMPLY: Obtain permit for demolition at the above address.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER / CONSTRUCTOR / OR PERSON APPARENTLY IN POSSESSION
AND HEREBY ORDERED TO COMPLY FORTHWITH

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE
UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT / REGULATION / BY-LAW

REGISTERED MAIL POSTED ON SITE RECEIVED BY	25 July 1996 DATE	Zoran Kristo INSPECTOR 546-2583	25 July 1996 DATE

COMMITTEE OF ADJUSTMENT

DECISION OF THE COMMITTEE

APPLICATION NO. A-96:142
SUBMISSION NO.

IN THE MATTER OF The Planning Act, 1983 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 10.(1), 10.(3), 10.(4) and 18.(3)(vi)(b)

AND IN THE MATTER OF Premises municipally known as **336-338 East Avenue North,** in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in a **"D" (Residential)** district;

AND IN THE MATTER OF AN APPLICATION by the agent Edwin Alexander, on behalf of the owner Jacinto Arruda, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, 1983, so as to permit the construction of a new two family dwelling upon the lands notwithstanding that:

1/ the lot width is 12.55m (41.16 ft) instead of the minimum required 18m (59.06 ft).
2/ the proposed dwelling will provide north and south side yard widths of at least 0.91m (3 ft) instead of the minimum required 1.2m (3.94 ft) and with further maximum 0.45m (1.5 ft) eave extension.
3/ the lot area is 470.32 square metres instead of the required 540 square metre (5812.70 sq ft) minimum.

THE DECISION OF THE COMMITTEE IS:

That the said application **IS GRANTED** for the following reasons:

The Committee is of the opinion that the proposed development is in keeping with the character of the established development in the neighbourhood.

The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief granted herein is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 45 of The Planning Act, 1983.

DATED AT HAMILTON this day, 1996 July 17

SIGNED:

B. Law (Chairman)

E. Begg

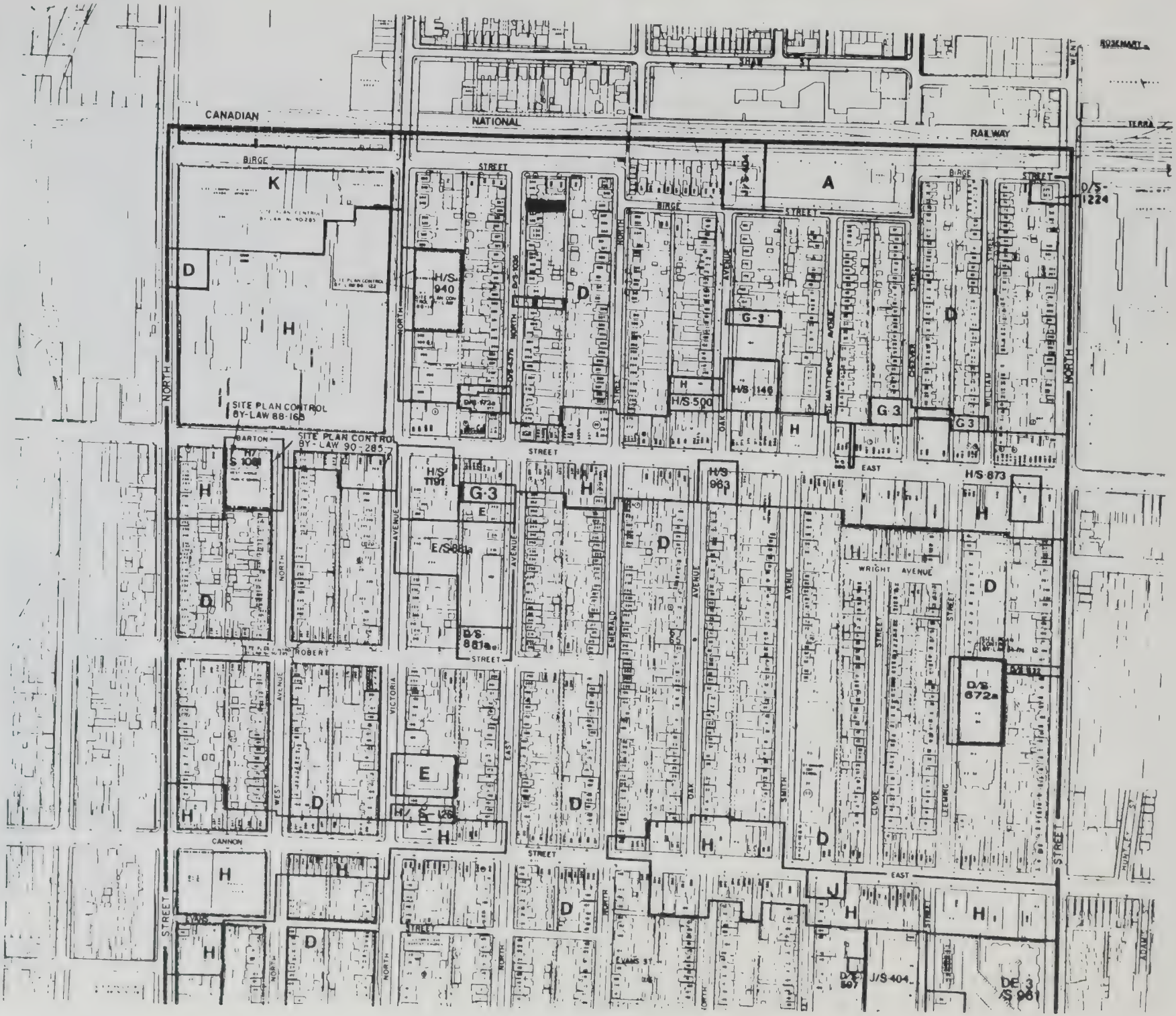
R. N. Cutler

M. Dudzic

D. Serwatuk

NOTE: This decision is not final and binding unless otherwise noted.

SUBJECT PROPERTY
338 EAST AVE. NORTH



CITY OF HAMILTON

(e)

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1995 July 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
150 Potruff Road North - Tag Number 96941
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 150 Potruff Road North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: B-2 (Map E-94)

PRESENT USE: Single Family Dwelling

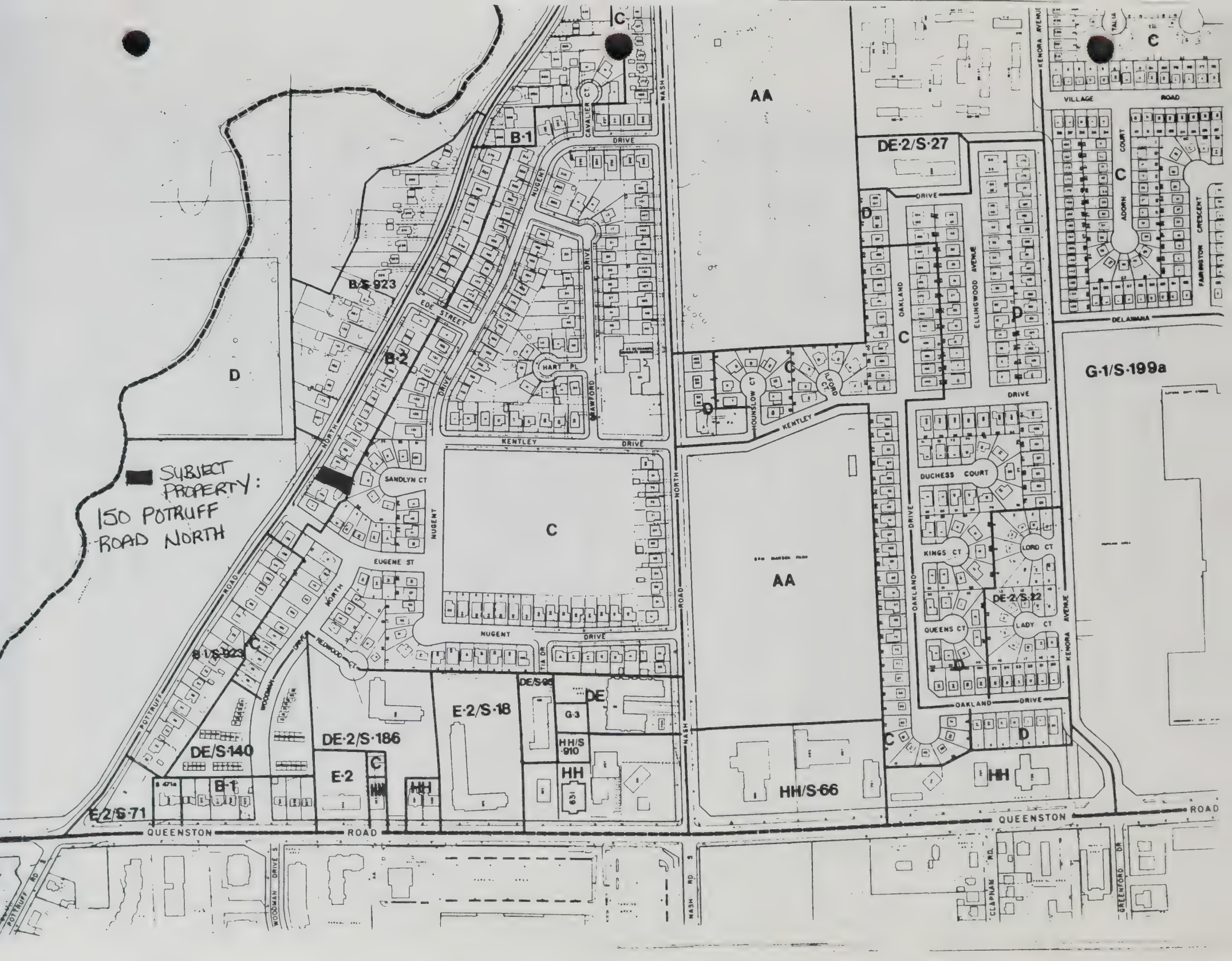
PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The property at 150 Potruff Road North is in Ward 5 and is located in the Kentley Neighbourhood (see attached neighbourhood map). The owner proposes to demolish the existing two storey wood frame, brick veneer single family dwelling and erect a new single family dwelling. The owner applied for a building permit on 1996 July 11 to erect a new single family dwelling, under Tag #96942. Additional information is required before the building permit can be issued. As of 1996 July 29, no applications have been made to the Committee of Adjustment for a minor variance or land division, nor have there been any recent applications to the Planning Department for a zoning change. No LACAC interest. Lot size 43.380' x 127.00'.

The owner of the property and applicant, as per the demolition permit, is:

Ryszard Gizara, 150 Potruff Road North, Hamilton, Ontario L8H 2M3.

SB/sb


SUBJECT PROPERTY:
150 POTTRUFF ROAD NORTH
QUEENSTON ROAD
NASH ROAD
KENTLEY DRIVE
NUGENT DRIVE
OAKLAND DRIVE
KENORA AVENUE
ELLINGWOOD AVENUE
DELAMARA
VILLAGE ROAD
POTTRUFF ROAD
EUGENE ST
SANDLYN CT
HART PL
DUCHESS COURT
KINGS CT
QUEENS CT
LORD CT
LADY CT
ADORN COURT
FAIRINGTON CRESCENT
REDWOOD CT
WOODMAN DRIVE
TIA DR
CAVALIER CT
HOUNSLOW CT
ILFORD CT
CLAPHAM RD.
GREENFORD DR
B-1
B-2
B-1/S-923
DE-2/S-27
DE-2/S-22
DE/S-140
DE-2/S-186
E-2/S-18
E-2/S-71
HH/S-66
G-1/S-199a
AA
C
D
E-2
DE
G-3
HH
HH/S-910
631

Cd)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1995 July 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1187 West 5th Street - Tag Number 96937
(96.1.1.A)

RECOMMENDATION:

That City Council denies a demolition permit for 1187 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: RT/20-1230 (Map W9D)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: The property at 1187 West 5th Street is in Ward 8 and is located in the Mewburn Neighbourhood (see attached neighbourhood map). The owner proposes to demolish the existing vacant 1½ storey wood frame single family dwelling and create a parking lot. Please be advised, that this specific zone requires site plan approval prior to the creation of a parking lot and that a parking use is not permitted in an RT-20 zoning district.

As of 1996 July 29, no applications have been made to the Committee of Adjustment for a minor variance or land division, nor have there been any recent applications to the Planning Department for a zoning change. Please note that in 1992 an application was made to the Land Division Committee (H-86-92) and the severance is final (please see attached letter). No LACAC interest. Lot size 63.060' x 288.00'.

Continued on Page Two .....

The owner of the property as per the demolition permit is:

Rosart Properties
226 South Service Road
Oakville On L6J 2X5

The applicant as per the demolition permit is:

Vince P. Dibernardo
1550 Upper James Street
Hamilton On L9B 2L6

SB/sb

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Land Division Committee
119 King Street West, 14th Floor
Hamilton, Ontario
(905) 546-4144 Fax (905) 546-4384
TDD-522-1787

Mailing Address:
P.O. Box 910, Hamilton, Ontario
L8N 3V9

Refer to File No.
Attention of
Your File No.

#1187 WEST 5th ST.

July 29, 1996

Post-it® Fax Note 7671	Date 8/7/96	# of pages ▶ 1
To Nancy Drapeau	From A. Tonello	
Co./Dept.	Co.	
Phone # 3935	Phone # 4144	
Fax # 2764	Fax #	

Mr. Len King
Building Commissioner
Department of Buildings
City Hall

Attention: Nancy Drapeau

Dear Sir:

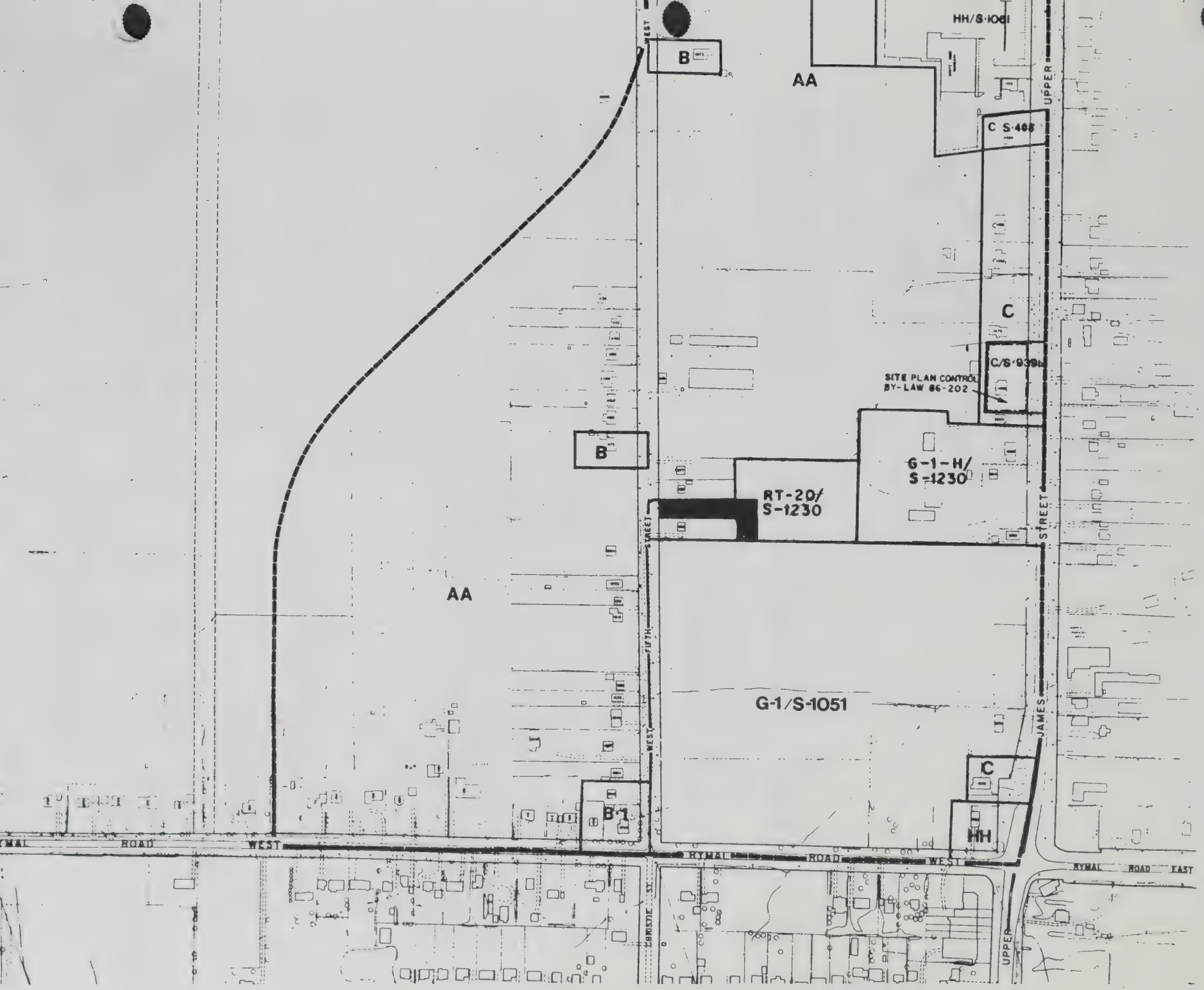
SUBJECT: Application No: H-86-92
Applicant: Giovanni Fortino (in Trust)
Premises: Part of Lot 15, Con. 8
City of (Barton) Hamilton

Please be advised that the conditions imposed by the Land Division Committee in the above-noted application has been complied with.

Yours truly,

Guy Paparella, M.C.I.P., R.P.P.
Secretary-Treasurer

GP/as


HH/S-1061
B
AA
C S-468
C
C/S-939
SITE PLAN CONTROL
BY-LAW 86-202
B
G-1-H/
S-1230
RT-20/
S-1230
AA
G-1/S-1051
C
B-1
HH
ROAD WEST
ROAD WEST
ROAD EAST
FIFTH STREET WEST
JAMES STREET
UPPER
CHRISTIE ST
SUBJECT
PROPERTY:
1187 WEST 5TH

Ce)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1995 July 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1193 West 5th Street - Tag Number 96936
(96.1.1.A)

RECOMMENDATION:

That City Council denies a demolition permit for 1193 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: RT-20/S-1230 (Map W9D)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Parking Lot

BRIEF DESCRIPTION: The property at 1193 West 5th Street is in Ward 8 and is located in the Mewburn Neighbourhood (see attached neighbourhood map). The owner wishes to demolish the existing vacant 1½ storey wood frame single family dwelling and create a parking lot. Please be advised, that this specific zone requires site plan approval prior to the creation of a parking lot and that a parking use is not permitted in an RT-20 zoning district.

As of 1996 July 29, no applications have been made to the Committee of Adjustment for a minor variance or land division, nor have there been any recent applications to the Planning Department for a zoning change. Please note that in 1992 an application was made to the Land Division Committee (H-86-92) and the severance is final (please see attached letter). No LACAC interest. Lot size 62.50' x 230.00'.

Continued on Page Two .....

The owner of the property as per the demolition permit is:

Rosart Properties
226 South Service Road
Oakville On L6J 2X5

The applicant as per the demolition permit is:

Vince P. Dibernardo
1550 Upper James Street
Hamilton On L9B 2L6

SB/sb

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Land Division Committee
119 King Street West, 14th Floor
Hamilton, Ontario
(905) 546-4144 Fax (905) 546-4364
TDD-522-1787

Mailing Address:
P.O. Box 910, Hamilton, Ontario
L8N 3V9

Refer to File No.
Attention of
Your File No.

July 29, 1996

1193 WEST 5th ST.

Post-it® Fax Note 7671 | Date 29/7/96 | # of pages ▶ 1
To Nancy Drapeau | From Ann Tomlin
Co./Dept. | Co.
Phone # 3935 | Phone # 4144
Fax # 2764 | Fax #

Mr. Len King
Building Commissioner
Department of Buildings
City Hall

Attention: Nancy Drapeau

Dear Sir:

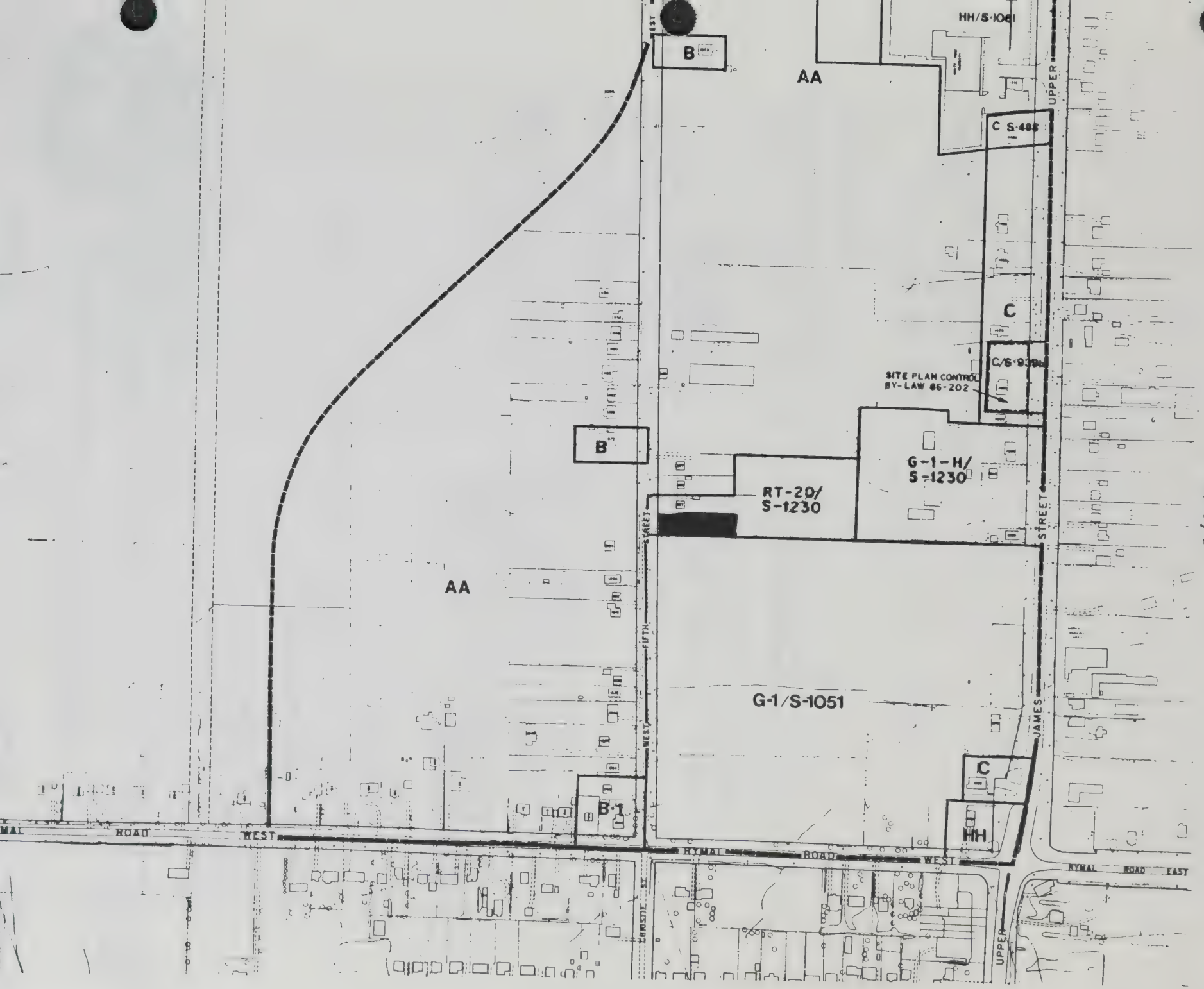
SUBJECT: Application No: H-86-92
Applicant: Giovanni Fortino (in Trust)
Premises: Part of Lot 15, Con. 8
City of (Barton) Hamilton

Please be advised that the conditions imposed by the Land Division Committee in the above-noted application has been complied with.

Yours truly,

Guy Paparella, M.C.I.P., R.P.P.
Secretary-Treasurer

GP/as



SUBJECT PROPERTY
1193 WEST 5TH

CF)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1995 July 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
150 IVON AVENUE - Tag Number 96518
(96.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 150 Ivon Avenue, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map E-74)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The property at 150 Ivon Avenue is in Ward 4 and is located in the Normanhurst Neighbourhood (see attached neighbourhood map). The owner wishes to demolish the existing one storey single family frame dwelling and replace it with a new single family dwelling. As of 1996 July 29, no applications have been made to the Committee of Adjustment for a minor variance or land division, nor have there been any recent applications to the Planning Department for a zoning change. Please be advised that the Planning & Development Committee tabled the application to demolish the single family dwelling on 1996 May 8, until a complete building permit application was made. A complete building permit application for a new single family dwelling was made 1996 July 5, under Tag #96911. No LACAC interest. Lot size 30' x 100'.

The owner of the property as per the demolition permit is:

Nick Uhac, 69 Mount Albion Road, Hamilton, Ontario, L8K 5S5

SB/bel


STRATHEARN AVENUE
PARKDALE AVENUE NORTH
PALING AVENUE
SELKIRK AVENUE
NORMANHURST AVENUE
TOLTON AVENUE
WALTER AVENUE NORTH
JULIAN AVENUE
IVON AVENUE
ADELINE AVENUE
GLENNIE AVENUE
GUELPH STREET
DUNSMURE ROAD
ROXBOROUGH AVENUE
BRITANNIA AVENUE
MELVIN AVENUE
BARTON STREET EAST
MAIN STREET SOUTH
H/S-1072
E2/S 38
E/S 2A
H E P C

C91

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: 1996 July 31

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Len C. King, P. Eng.
Building Commissioner

SUBJECT: City of Hamilton Appointment By-Law for Inspectors appointed under The Building Code Act, R.S.O. 1990, Statutes of Ontario, Chapter B.13 (96.2.4.2.1.A, 96.4.2.3.)

RECOMMENDATION:

That City Council enact an Appointment By-law to authorize the appointment of Inspectors pursuant to The Ontario Building Code Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

By-Law 92-094 is the By-Law under which the Building Commissioner and other Inspectors are appointed. Due to the recent changes in the staff of the Building Department, we would request that By-Law 92-094 be consolidated to reflect these changes.

PCL/gs
Encl.

c.c. P. Noé Johnson, City Solicitor

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Consolidate

By-law No. 92-094, and amendments thereto

Respecting

THE APPOINTMENT OF INSPECTORS

WHEREAS Ontario Regulation 413/90 was made on 1990 July 27 and filed on 1990 July 30 in accordance with section 19 of the Building Code Act, established the building code for Ontario;

AND WHEREAS subsection 1 of section 3 of Building Code Act provides that the council of each municipality is responsible for the enforcement of the Act in the municipality;

AND WHEREAS subsection 2 of section 3 of Building Code Act provides that each municipality shall appoint a chief building official and such inspectors as are necessary for the purpose of the enforcement of the Act:

AND WHEREAS By-Law No. 78-211, passed on the 1978 July 25 and By-Law 81-224 passed on 1981 July 28, and By-Law 87-312, passed on 1987 November 10 and By-law 91-047 passed on 1991 March 12, and By-Law 92-094 passed on 1992 March 31, consolidated previous by-laws into one by-law in view of the changes in inspection staff and appointments:

AND WHEREAS it is desirable to further consolidate into one by-law all changes in inspection staff and appointments since By-Laws 78-211, 81-224, 87-312, 91-047 and 92-094 were enacted.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) The following person is appointed chief building official:

   Leonard C. King, P. Eng.

   (b) The title of the chief building official shall be as follows:

   Building Commissioner.

2. (a) The following person is appointed an Inspector:

   Peter C. Lampman, P. Eng.

   (b) The title of the Inspector appointed under clause (a) shall be as follows:

   Deputy Building Commissioner and
   Director of Technical Services.

3. The person appointed Inspector under clause (a) of Section 2 is hereby appointed chief building official during the absence for any reason of the person appointed chief building official under section 1.

4. (a) The following person is appointed an Inspector:

Wah-Keun Wong, P. Eng.

(b) The title of the Inspector appointed under clause (a) shall be as follows:

Manager of Customer Services

5. (a) The following persons are each appointed an Inspector:

Larry W. Harvey

Donald J. Inglis

John A. Spolnik

(b) The title of each of the Inspectors appointed under clause (a) shall be as follows:

Supervisor of Field Services.

6. The following persons are each appointed an Inspector:

Brian Baxter	Joyanne Beckett
Sylvia Bishop	Sara Bradley
George Caetano	Alison Churchill
Doug Clark	Gary Daly
Jack Dorr	Ron Doucet
Nancy Rajher-Drapeau	William Dupont
Ken Edgar	Debbie Eydt
Frank Genovese	Peter Gobbo
Natalie Gould	Christine Hey
John Ivezic	Jan Janosik
Zoran Kristo	Steve Kuczerepa
Rick Kuipers	John Lane
Wing Lee	Marianne Lyon
Morris Marsalla	Erin McClintock
Glen McCrory	Monica Melnick
Bryan Moon	Michelle Oproiu
Susan Parker	Gene Penko
Frank Peter	Tom Redmond
George Robis	Michael Shepherd
Gail Stevenson	Douglas Tam
Steve Teal	John Thomas
Sandra Tucker	Michael Verboom
George Wong	

7. By-Law No. 92-094 is hereby repealed.

PASSED this day of , 1996.

CITY CLERK MAYOR

Da)

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 3 1996

DATE: August 8, 1996
(HOU-GEN)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT: **Comments on Recommendations - 1995 Regional Housing Statement Update**

RECOMMENDATION:

(a) That the City of Hamilton comments on the recommendations of the 1995 Regional Housing Statement Update circulated by Regional Council to the City of Hamilton on June 4, 1996, attached herewith and marked Appendix "A", be endorsed; and,

(b) That these City of Hamilton comments be forwarded to Regional Council.

V. Abraham

J. Pavelka. M.C.E.O.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On June 4, 1996, Regional Council approved the circularization of the recommendations from the 1995 Regional Housing Statement Update (RHSU) to all area municipalities for comment and discussion. Housing statements are prepared on a regular basis by all municipalities to document changes occurring in the housing marketplace and outline current housing policy concerns at the local level. After a statistical review of various housing indicators, recommendations are made to respond to the identified housing concerns and issues.

The 1995 RHSU is contained in two separate volumes entitled "Section A: Planning for Growth" and "Section B: Providing Housing for People With Low Incomes and Special Needs". Both documents are very well presented and contain a detailed description of housing market activity in Hamilton-Wentworth. (A copy of the full report is available from Planning and Development Department staff.)

Some of the key conclusions identified in the 1995 RHSU include the following:

- "Hamilton-Wentworth continues to have a diverse range of housing types."
- "Although the size of Hamilton-Wentworth's housing stock has increased a great deal since 1975, from 138,000 units to 183,000 units in 1994, the composition of those units has not changed significantly."
- "The 1970s, 1980s, and 1990s have seen a steady decline in household sizes, an increase in average housing unit size, and a decline in lot size."
- "Demand for assisted housing units increased significantly between 1982 and 1992 with the Hamilton-Wentworth Housing Authority waiting list growing from 950 to 2,099 people."
- "The most significant trend in terms of waiting list composition has been the rapid growth of the demand by singles for assisted housing."
- "A wide range of government and community organization-supported forms of housing exist that compliment the conventional housing market."
- "Provision of units for people with low incomes or special needs will almost inevitably fall to municipalities, local community groups and charities, and other non-profit organizations."

The recommendations from the 1995 Regional Housing Statement Update are reproduced in Appendix "A" with comments and concerns noted. Based on the general thrust of the recommendations, the City of Hamilton is certainly well ahead of other municipalities in Hamilton-Wentworth in terms of providing opportunities for lower cost housing. The application of the RHSU recommendations to the other area municipalities is desirable as it would provide a Regional balance in meeting identified housing market needs.

KE/ke
c:\reports\rhsu95

APPENDIX "A"

COMMENTS ON THE RECOMMENDATIONS OF THE 1995 REGIONAL HOUSING STATEMENT UPDATE

Section A: Planning for Growth

a) *That the Region investigate the use of full cost accounting with regard to the setting of residential development charges to promote compact urban development and to ensure that urban sprawl is not being subsidized;*

A number of research studies prepared for the Golden Commission examining the future of the Greater Toronto Area noted that the "cost" of new suburban development is not fully realized in development charges levied by municipalities. The use of "full cost accounting" would ensure that the complete costs associated with new suburban development are reflected in the actual development charge and are not born by the existing taxpayers within a community - in essence "user pay". Although it is clearly premature to comment on the appropriateness of this method of calculating development charges in the City of Hamilton, the recommendation of the RHSU is to "investigate" this method. At such time the research is complete, the City will be in better position to ascertain the implications of this concept. Accordingly, the recommendation can be supported.

b) *That the Region be actively involved with the evaluation, and where appropriate the introduction, of alternative development standards (servicing requirements, road and right-of-way requirements, etc.) that could contribute to a more compact urban form and reduce municipal and housing costs;*

This recommendation can be supported. Many of the technical standards for new development that are presently in place should be reviewed to ascertain any possible inefficiencies that would reduce the cost of new development to both the City and the eventual home purchaser.

c) *That the Region continue to monitor intraprovincial migration patterns to ascertain the ongoing impact of population and employment growth in the GTA on Hamilton-Wentworth's housing markets, and to evaluate the impact of out-migration to Haldimand-Norfolk, Niagara, and Brant;*

This recommendation can be supported. Market knowledge of migration patterns is essential to determine potential demand for housing in future years.

d) *That a housing target of 55% single and semi detached, 28% row, and 17% apartment units be adopted as a guideline for medium and long-range planning in the Region;*

Recent housing market activity in the City of Hamilton is generally consistent with the targets suggested by the Region. Over the six-year period 1990-1995, single and semi-detached housing units accounted for 47.2 percent of all dwelling units completed in the City of Hamilton. Row units accounted for 30.5 percent and apartment units accounted for 21.7 percent of all units completed.

However, this housing target fails to acknowledge the existing dwelling mix already in place within the area municipalities. Specifically, the City of Hamilton has shouldered the bulk of higher density housing constructed in Hamilton-Wentworth for the past several decades and Regional suggestions that this role continue is unacceptable. Accordingly, this recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

e) That the Area Municipalities be encouraged to support the need for a variety and mix of housing in the Region by targeting not less than 40% of units in new construction as medium and high density (the mix of medium and high density is not prescribed);

As of May, 1995, there were approximately 506.4 hectares of land available for residential development within the City of Hamilton, which would yield approximately 14,100 dwelling units. Of these 14,100 dwelling units, almost one-half (48.6 percent or 6,858 units) were designated for row and/or apartment uses. The City of Hamilton cannot dictate to the private marketplace the type of new housing units that "should" be built within the community. The important point is that within the City of Hamilton, an opportunity has been provided to the private marketplace to construct medium and high density dwelling forms. Moreover, the existing dwelling mix within the particular area municipality must be considered. This recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

f) That the Area Municipalities be requested to require that new residential development (secondary/subdivision plans) have densities of at least 18 units per hectare (gross);

As noted previously, the City of Hamilton cannot dictate to the marketplace the type of new housing units that "should" be built within the community. We recognize, of course, that having higher gross residential densities in new development is desirable but by "requiring" that all new residential development have a minimum density of 18 units per hectare, as the recommendation notes, is inflexible, unrealistic and unworkable. This recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

g) That the Area Municipalities be requested to develop and carry out policies to implement Provincial and Regional policies regarding increased densities of new residential development, increased opportunities for intensification and infill, and opportunities for the development of affordable housing;

Within the Region of Hamilton-Wentworth, the City of Hamilton has been second to none in terms of facilitating residential intensification opportunities and promoting lower cost "affordable" housing. In the late 1980's and early 1990's, the City undertook several detailed housing studies in response to Provincial policy initiatives which resulted in extensive changes to the Hamilton Official Plan and the Hamilton Zoning By-law.

It should be noted that the Provincial policies alluded to in the recommendation (The Comprehensive Set of Policy Statements) have since been repealed by the Provincial Government. Accordingly, this recommendation is redundant and should be deleted in light of policy changes made by the Provincial Government and the City's previous extensive work on this matter.

h) That the City of Stoney Creek be requested to prepare an additional study prior to the year 2000 Regional Official Plan review that examines the availability of vacant residential land in the designated, pending, draft approved and registered categories, as well as the status of residentially-designated lands in the Heritage Green planning area and lands zoned for high-density uses north of the QEW.

This recommendation is not applicable to the City of Hamilton.

Section B: Providing Housing for People with Low Incomes and Special Needs

i) That the Region and Area Municipalities be requested to make significant efforts to convince the Province, the District Health Council, and other relevant organizations to initiate and sustain a planning process of their own that will co-ordinate the allocation of resources to the housing and housing-related health care and support services in Hamilton-Wentworth;

This recommendation can be supported. Ensuring greater co-ordination among the various stakeholders will ensure cost effectiveness and greater resolve to address the housing and support needs of individuals and families in Hamilton-Wentworth.

j) That the Area Municipalities be requested to co-operate to develop a strategy for developing a pool of expertise that can be used in initiating and co-ordinating community-based efforts to build or renovate housing for people with very low incomes or special needs. This resource could be developed in existing organizations such as the municipal non-profits or assembled from scratch in a new entity. The Area Municipalities should also consider entering into a partnership with other communities around the Golden Horseshoe to maintain a combined innovative housing non-profit resource group that could be financed in a cost-effective manner;

This recommendation can be supported. With recent cut-backs by both the Federal and Provincial Government to social housing funding, imaginative and creative local responses will be the hallmark of new not-for-profit housing initiatives in Hamilton-Wentworth. The City's Municipal Non-Profit Housing Corporation has shown leadership in this area and should be considered as a credible vehicle for implementing this recommendation.

k) *That the Area Municipalities be requested to undertake a review of their existing zoning by-laws and identify and eliminate any restrictions on the development of supportive housing environments that are not justified by bona-fide planning considerations and significant public health or safety concerns (supportive housing can be defined as housing environments that allow people to live as independently as possible while still receiving certain types of health care, personal, or home-making services).*

Although City staff resources are limited, the objective of reviewing the Hamilton Zoning By-law to identify possible restrictions and impediments for supportive housing environments is a laudable. Other area municipalities within Hamilton-Wentworth should be made aware of the flexibility of Hamilton's Zoning By-law in terms of as-of-right provisions for supportive housing initiatives. This recommendation can be supported.

061

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 5 1996

DATE: 1996 August 2
(CDM-CONV-96-001)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

SUBJECT:

Proposed Draft Plan of Condominium by Darko Vranich -
81 Charlton Avenue East, Corktown Neighbourhood

RECOMMENDATIONS:

a) That approval be granted to application CDM-CONV-96-001 submitted by Darko Vranich, owner, for a draft plan of condominium for property located at No. 81 Charlton Avenue East to provide for a condominium comprised of a 10 storey apartment building containing 59 individual apartment condominium units, subject to the following conditions:

i) That this approval applies to the attached draft plan dated June 21, 1996 prepared by R. Avis Surveying Inc., O.L.S.;

ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;

iii) That prior to approval of the final plan,

aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

cc) the applicant/owner enter into an encroachment agreement with the Region for the existing armour stone retaining wall, the existing landscaping and the steps within the Charlton Avenue East road allowance. The steps must be modified to conform to the normal requirements of the Building Code; and,

dd) the applicant/owner enter into an encroachment agreement with the City for the existing key operated control for the underground parking garage door located within the Catherine Street South road allowance and the landscaping located within the road allowance; and,

ee) the owner modify the door to the underground parking garage on Catherine Street South since the City of Hamilton Streets By-law does not permit doors to swing out over the road allowance; and

ff) the applicant/owner provide written confirmation from the Forestry Division of the City of Hamilton Department of Public Works and Traffic that the landscaping within the Charlton Avenue East and Catherine Street South road allowances conform to their requirements for street planting, with respect to species, location and motorist visibility.

iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-012);

v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan.

c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner -

Darko Vranich, Oakville, Ontario

Surveyor -

R. Avis Surveying Inc., Willowdale, Ontario

Location -

The lands known municipally as No. 81 Charlton Avenue East, comprising 0.16 hectares, are located at the north-west corner of Charlton Avenue East and Catherine Street South, in the Corktown Neighbourhood (see attached key map).

Proposal -

The owner proposes to convert an existing rental apartment building containing 59 units on 10 floors to condominium status.

Existing Development Controls -

Hamilton-Wentworth Official Plan - The lands are identified as "Urban" on Map 1 - the Regional Development Pattern. The proposal complies.

City of Hamilton Official Plan - According to Schedule "A", the lands are designated "Residential". The proposed use is consistent with the Official Plan.

Neighbourhood Plan - The lands are designated "High Density Apartments" according to the Corktown Neighbourhood Plan. The proposal complies.

City of Hamilton Zoning By-law - The lands are zoned "E-3" (High Density Multiple Dwellings) District. The proposal does not comply with the "E-3" District provisions, in respect to parking landscaping, setbacks, etc. As such, an application through the Committee of Adjustment is required before final plan approval.

Site Plan Control - The lands are under Site Plan Control By-law No. 79-275, as amended by By-law No. 90-285.

Rental Housing Protection Act - Application CD-95-012 was approved by Council on March 12, 1996 subject to several conditions. Recommendation of draft approval status of the Plan of Condominium is conditional upon the owner securing the Certificate of Approval.

Comments from Circulation -

The following agencies had no comments or objection toward the proposal:

Traffic Division, Public Works and Traffic Department
Ontario Hydro
Hamilton Hydro
Union Gas
Bell Canada

The Regional Environment Department has submitted the following comments and recommendations:

"1) According to our records, the road allowance width of Charlton Avenue East and Catherine Street is 20.12 m. Therefore we do not anticipate any further road allowance widenings at this time.

2) We note that the parking area on top of the parking garage has been repaved and will continue to be used for parking. Since the majority of the parking on the east, north and west property lines is 2nd storey parking, comments from the Building Department with respect to the requirements for bumper guards, guide rails, etc. should be considered to ensure that vehicles prevented from going through the fence and over the edge of the parking structure wall.

3) No portion of the proposed canopy is permitted to encroach into either the Charlton Avenue East or Catherine Street road allowances. Sufficient clearance between the elevation of sidewalk from the main entrance to the building and the bottom of the canopy must be maintained.

RECOMMENDATIONS:

1) That the applicant/owner enter into an encroachment agreement with the Region for the existing armour stone retaining wall, the existing landscaping and the steps within the Charlton Avenue East road allowance. The steps must be modified to conform to the normal requirements of the Building Code.

2) That the applicant/owner enter into an encroachment agreement with the City for the existing key operated control for the underground parking garage door located within the Catherine Street road allowance and the landscaping located within the road allowance.

3) - That the owner modify the door to the underground parking garage on Catherine Street since the City of Hamilton Streets By-law does not permit doors to swing out over the road allowance.

4) That the applicant/owner provide written confirmation from the Forestry Division of the City of Hamilton Department of Public Works and Traffic that the landscaping within the adjacent road allowances conform to their requirements for street planting. It was noted in our site visit that the landscaping adjacent to the Charlton Street access blocks the visibility of motorists within the access looking west and the street tree should be relocated to the satisfaction of the Forestry Division."

The Building Department has submitted the following comments:

"1. The recognized use is a 59 unit multiple dwelling with 47 parking spaces, of which only two are at grade.

2. The parking underground and at grade must comply to Section 18A of Zoning by-law No. 6593.

3. The canopy appears to project more than the permitted 1.5 m into the required front yard.

4. The site requires to provide and maintain landscaped area of 21% of the lot area as previously approved by Committee of adjustment A-88:223.

5. Due to the reduction in the landscaped area, the gross floor area exceeds the permitted maximum.

6. Additional information is required for the above items to determine if the variances are required to be approved by the Committee of Adjustment."

COMMENTS:

The applicant wishes to convert 59 existing rental apartment units to 59 condominium apartment units on the subject property. To complete this process, the applicant must first acquire approval from the City to remove the units from the rental market pursuant to the Rental Housing Protection Act, and then apply for the City's approval under the Condominium Act for the legal division of the property.

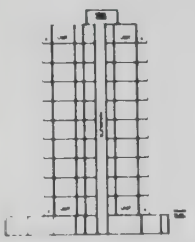
On March 12, 1996, Council approved application CD-95-012 under the Rental Housing Protection Act to remove the units from the rental market subject to certain conditions being incorporated in a registered agreement on title. Upon registration of this agreement, the City will issue a "Certificate of Approval" to indicate the completion of this part of the conversion process. To date, the agreement has not been registered and therefore the Certificate of Approval has not been issued. As a condition of draft approval of this condominium application, the owner will have had to complete the Rental Housing Protection Act conditions and received the Rental Housing Protection Act Certificate of Approval.

The comments and conditions noted by both the Building Department and the Regional Environment Department have been incorporated as conditions of draft approval.

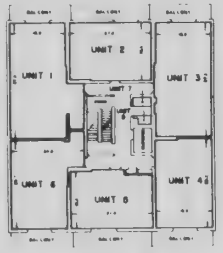
CONCLUSION:

Based on the above the draft plan of condominium be approved, subject to the conditions outlined.

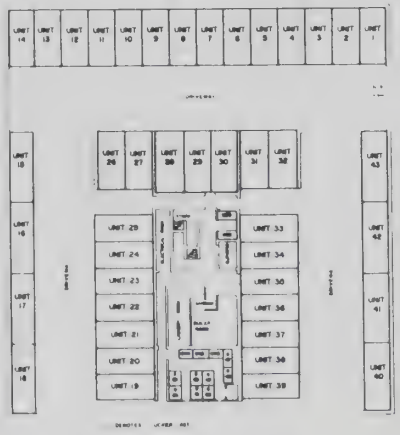
JHE



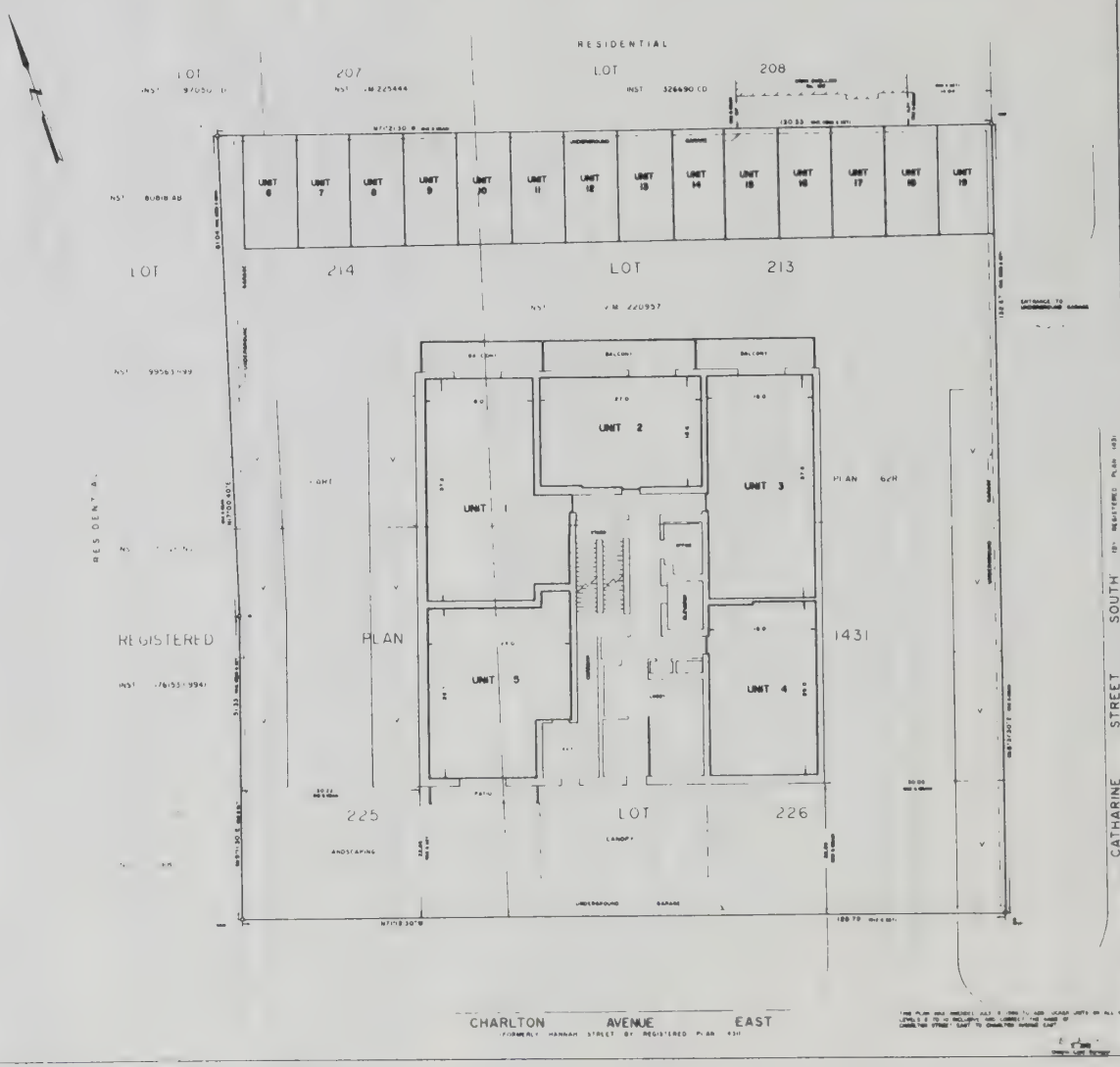
REPRESENTATIVE SECTION SHOWING THE RELATIONSHIP OF LEVELS



RESIDENTIAL UNITS 1 TO 6 INCLUSIVE AND LOCKER UNITS 7 AND 8 ON LEVELS 2 TO 10 INCLUSIVE



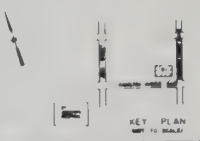
LEVEL A
SHOWING PARKING UNITS 1 TO 43 INCLUSIVE AND LOCKER UNITS 44 TO 56 INCLUSIVE



DRAFT PLAN OF CONDOMINIUM OF
LOTS 213 AND 226,
PART OF LOTS 214 AND 225
REGISTERED PLAN 1431
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH

SCALE 1:0 = 1 FOOT

R. AVIS SURVEYING INC. - 1996



KEY PLAN
NOT TO SCALE

PLANNING ACT INFORMATION (Section 5 (2))
SEE DRAFT PLAN AND KEY PLAN FOR ITEMS 6 & 8 (P, E & AND)

LEGEND AND NOTES

ZONING E3

OWNER'S CERTIFICATE

448787 ONTARIO LIMITED

SURVEYOR'S CERTIFICATE

R. AVIS SURVEYING INC
SUITE 204
90 CORKSTREET ROAD
TORONTO, ONTARIO
M2J 4P8
TEL (416) 490 8558 FAX (416) 491 6206

DRAWN BY: GFC | PROJECT No. 93-0

CA4 ON HBL A05
C51P4

E

URBAN MUNICIPAL

AUG 29 1996

GOVERNMENT DOCUMENTS

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 August 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. G. Pavelka, P. Eng.
Chief Administrative Officer

L. C. King, P. Eng.
Building Commissioner

V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: Downtown Redevelopment Fees (96.2.4.2.1.A, 96.2.15)

RECOMMENDATION:

a) That the City Solicitor be authorized and directed to prepare an amendment to By-law 84-252 to allow land to be developed for residential purposes where land in the amount equal to 5% of the area to be developed, or cash equivalent has not been conveyed to the City when a building permit has been issued prior to 1999 September 1 for the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue;

b) That the Building Commissioner and the Director of Planning and Development Department be authorized and directed to refund application fees for any official plan amendment, zoning application, site plan application, Committee of Adjustment application, building permit, demolition permit, zoning/property report and inspection fee if a building permit is issued for the property by 1999 September 1, for the area bounded by Hunter Street, Cannon Street, Queen Street, and Victoria Avenue.

c) That the Planning and Development Department be directed to undertake a City Initiative to eliminate required parking for residential development in the area defined as Area "A" on Schedule "I" of By-law 6593 and reduce to 0.5 spaces for each Class "A" dwelling unit in the Area defined as Area "B" on Schedule "I" of By-law No. 6593 (See Appendix "B") for a 3 year period.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

With the elimination of the 5% land dedication requirement and development fees, there may be a potential loss of revenues. However, as calculated in the Development Charges Study, no population increase is expected in the downtown, therefore, no new residential is anticipated at this time. Any new development that would occur during the next 3 years as a result of the elimination of fees will result in additional annual tax revenues that are not anticipated at this present time.

BACKGROUND:

Council, at its meeting held 1996 May 16, approved a 3 year exemption for development charges in the downtown. In addition, the following initiative was approved:

> "That 5% land dedication, building permit fees and parking requirements for new residential development be forwarded to the Finance and Administration Committee and the Planning and Development Committee for financial consideration of eliminating those fees as a catalyst for downtown redevelopment."

COMMENTS:

In order to assist the Committee, the following analysis is provided:

A. DEVELOPMENT CHARGES

The current development charges by-law has no charges for commercial development and has no residential charges for 3 years commencing 1996 May 14. The Region has also adopted a similar position.

B. 5% LAND DEDICATION FUND

As permitted by the Planning Act, residential developers are required to dedicate 5% of the land in each development area or property for park purposes, or alternatively to provide cash-in-lieu of the value of the 5% if lands are not required. The City does not require land dedication fees for commercial or industrial development (2% is permitted by the Planning Act). The purpose of this dedication is to ensure that there is an adequate supply of parkland for the new development. Funds from the 5% land dedication fee are used for the purchase, development and redevelopment of parks in the City. As a supplement to this fund, Development Charges are also collected, in part, for parks purposes.

In the Downtown Core, the cost of the 5% for residential apartments (the most likely form of residential development) is estimated at approximately $500 per unit. This is estimated at a land value of $10,000 per dwelling unit, and approximate market value in the downtown. Although no new residential is projected for the downtown, a development of an additional 100 units would

generate $50,000, which would be insufficient to acquire any additional quality parkland in the downtown.

A temporary abeyance of the collection of the 5% land dedication fees could be considered since:

- at this time there are no new park lands identified for acquisition in the downtown;
- as with infrastructure funded by development charges, new residential development will be served by park and recreation infrastructure already in place in the downtown and surrounding neighbourhoods;
- any new residential development created as a result of the elimination of the 5% fee will create additional tax revenues that could be used for the capitalization of parkland acquisition and development; and,
- On 1996 July 9, Council placed a one year moratorium on the 5% land dedication and cash-in-lieu requirement for new single family homes in order to encourage more development. A similar exemption in the downtown would be compatible.

As with the other identified barriers to development in the downtown it is suggested that the 5% land dedication fee be eliminated in the downtown in the area bounded by Hunter, Cannon, Queen and Victoria Ave. In addition, similar to a temporary use by-law, and the development charges by-law, the exemption could be for a three year period to be reviewed once again at the end of the time period. If justified, the elimination of the 5% requirement could be extended.

In order to implement these changes amendments to the by-law establishing the 5% land dedication is required.

C. DEVELOPMENT FEES

Staff have identified the following City charges and fees which would apply to development in the downtown:

1)	Planning Act fees	- official plan amendment application - zoning applications - site plan applications - committee of adjustment applications
2)	Permit fees and other administration charges	- building permits - demolition permits - zoning/property reports - inspection fees

In order to be consistent with other initiatives, it is suggested that all fees for rezoning, site plans, committee of adjustment applications, building and zoning fees, zoning and property reports and inspection fees be forgiven for a three year period for the area bounded by Hunter, Cannon, Queen and Victoria Avenue. In addition, it is suggested that these fees be paid up front and refunded upon issuance of a building permit in order to avoid speculation that may not result in any real development.

D. PARKING REQUIREMENTS

For multiple dwellings, the parking requirement within Area "A" is 0.8 space per Class "A" dwelling unit and 1.0 space per Class "A" dwelling unit within Area "B" to the Zoning By-law (see APPENDIX "A").

Comparatively, parking for Commercial, Public and Institutional uses is not required within Area "A" and reduced (50%) within Area "B" (see APPENDIX "B").

On 1996 March 12, City Council passed By-law No. 96-034 respecting parking standards for residential conversions in the Central Business District. The effect of the by-law is to allow existing non-residential buildings (or portions thereof) within the Central Business District to be converted to residential use without providing the required parking.

On 1996 June 25, Council approved a City Initiative respecting residential development in the CBD. More specifically, the proposal is to eliminate the minimum floor area requirement of $65m^2$ per dwelling unit for multiple dwellings. The effect is to allow multiple dwellings to have the same maximum g.f.a. ratio (ie. 11x lot area) as other permitted uses in the "I" (Central Business District).

From a Planning perspective, elimination of required parking for new multiple dwelling development in Area "A" and a reduction to 0.5 space per Class "A" dwelling unit within Area "B" (see APPENDIX "B"), is worthy of consideration, in that:

- it is consistent with the thrust of current planning policy to **"strengthen the residential function of this AREA"** (Official Plan policy 2.9.3.1 i)); and to actively encourage residential development **"through actions taken by Council which may include special incentives"** (Central Area Plan policy 4.1.7);

- the proposed area (see APPENDIX "B") is the same as that for reduced parking for Commercial, Public and Institutional uses; and is the same as that applied to the no parking area for residential conversions (Area "A" - APPENDIX "B");

- the area has access to a high level of transit service, and is readily accessible from an abundant supply of public and private parking lots; and

- regardless of whether or not there is a parking requirement for this area, developers will provide parking to satisfy market conditions.

Since other Departments may have concerns with such an initiative, it is suggested that new development could be monitored on an on-going basis to evaluate potential impacts. As with other downtown initiatives, it is suggested this reduction be introduced for a 3 year period through a Temporary Use By-law. The effectiveness of the by-law could be reviewed at the end of the three years and, if appropriate, could be extended for another three year period or permanently.

A Public Meeting would have to be held in accordance with the requirements of the Planning Act prior to initiating such a change.

CONCLUSION:

As requested by Council, the elimination of the 5% land dedication fees, development fees and parking requirements for new residential development will encourage redevelopment in the downtown. To this end the following initiatives are required:

- the 5% land dedication or cash-in-lieu requirements for new residential development not be required for a 3 year period for the area bounded by Hunter, Cannon, Queen and Victoria Avenue;

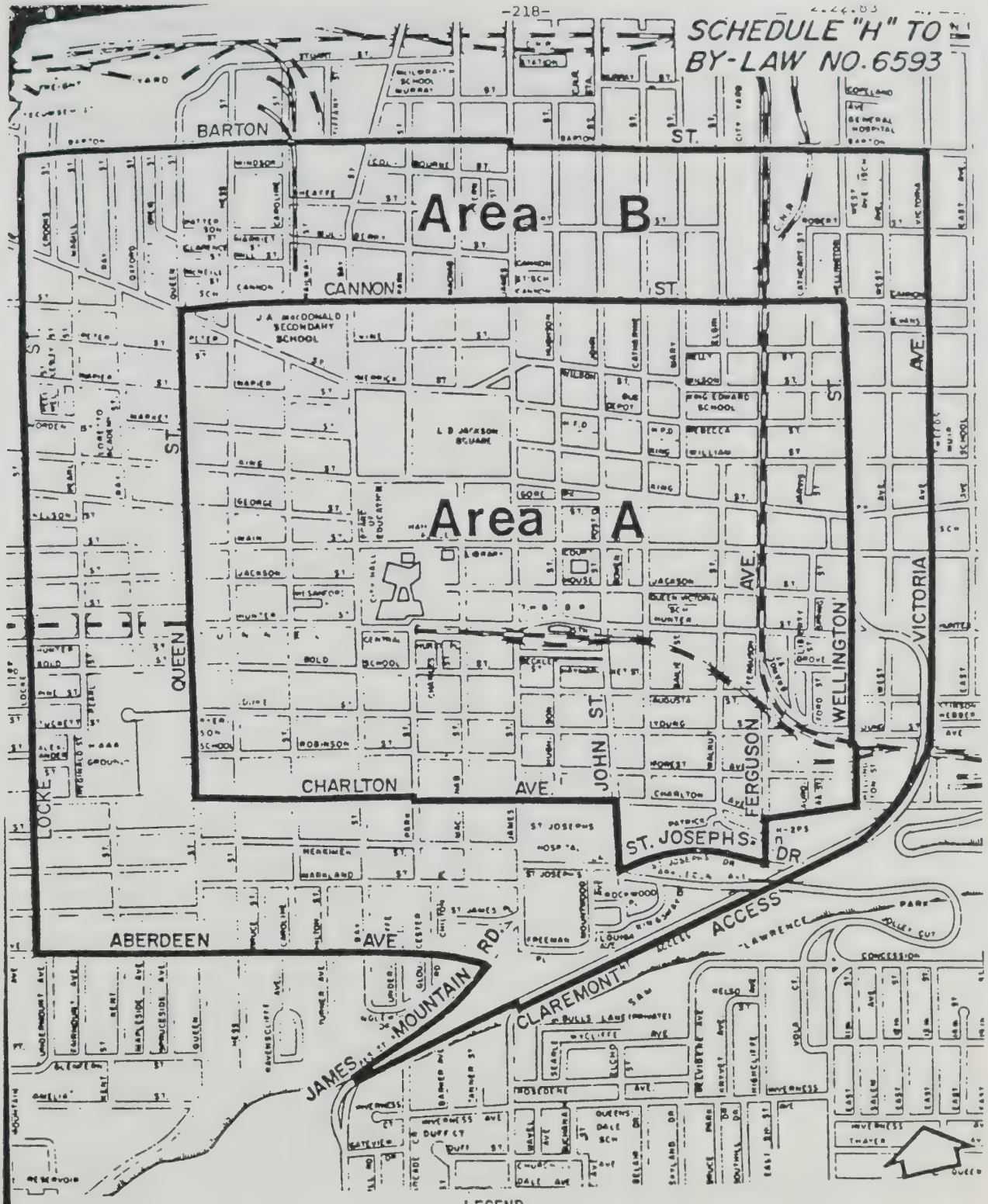
- all planning and building fees be refunded upon the issuance of a building permit for any development / redevelopment, in the area bounded by Hunter, Cannon, Queen and Victoria Avenue, for a 3 year period; and,

- a public meeting be held to review a City Initiative to eliminate parking for new residential development in Area "A" and reduced to 0.5 spaces per Class "A" dwelling in Area "B" (see Appendix "B"), for a 3 year period.

PCL/PM/BJ:FD

c.c. Alderman Bob Charters, Chairperson
Alderman D. Ross, Vice-Chairperson
Robert M. Morrow, Mayor
Alderman M. Kiss
Alderman V. Agro
Alderman D. Drury
Alderman Dave Wilson
Alderman Chad Collins
Alderman Terry Anderson

SCHEDULE "H" TO BY-LAW NO. 6593



LEGEND

Delineates boundary of those areas in which parking requirements for Multiple Residential uses are reduced.

Bill No. 0-33

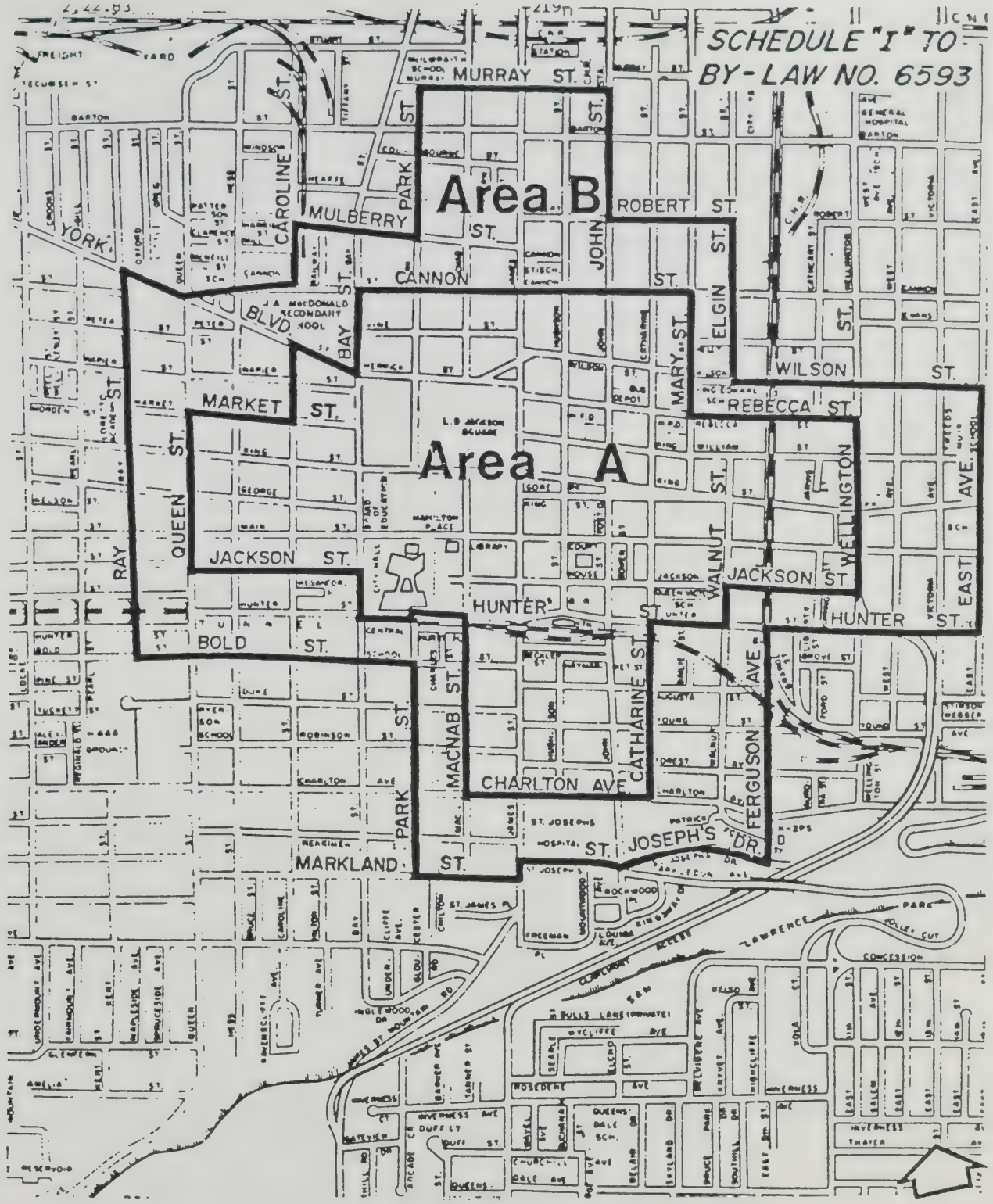
This is Schedule "A" to By-law No. 83-66 passed the 22nd day of February, 1983.

THE CORPORATION OF THE CITY OF HAMILTON

City Clerk

Mayor

APPENDIX A



Bill No. D-33

This is Schedule "A1" to By-law No. 83-66 passed the 22nd day of February, 1983.

THE CORPORATION OF THE CITY OF HAMILTON

City Clerk

Mayor

APPENDIX B

F.

CITY OF HAMILTON

- RECOMMENDATION -

AUG 1 2 1996

DATE: 1996 August 12

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene J. Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Hamilton Courthouse Project - Heritage Permit Application for Alterations/Additions to Dominion Public Building

RECOMMENDATION:

That a Heritage Permit be approved for the following additions and alterations to the designated building at 10 John Street South, the former Dominion Public Building now the new Hamilton Courthouse, based on the Courthouse model pictured in schematic design, Vol.1, 1993 May; drawings prepared by Norr Partnership Limited Architects Engineers (dated 1995 May, 1995 September 13, 1995 October 24, 1995 November 6, 9, 10, 13 and 20 and 1996 May 10); and, the revised drawings attached hereto and marked as Appendix "A", "B" and "C":

a) Exterior

(i) Addition of upper storeys: glazed penthouse and precast concrete mechanical housing coloured to match existing limestone; and,

(ii) New Courthouse addition on Main Street facade; and,

(iii) Upper steel windows either replaced to match the appearance of the original (1936) windows, or insulated; and,

(iv) Exterior first and second storey windows: replace glass with clear thermal panes and install new bronze glazing stops on interior; and,

(v) Stone lintels: reattach where necessary by drilling and attaching new stainless steel anchorage and finish joints with matching mortar; and,

(vi) New bronze and glass doors, on north, south and east elevations.

b) Interior

(i) Removal of marble wall and brass wickets in the heritage lobby beneath the world mosaic to allow for a new corridor opening linking the old and new buildings; and,

(ii) Materials recovered from the new corridor opening will be reinstalled to close off the existing former Philatelic Centre opening, The new opening will be framed with bronze recovered from the "Philatelic Centre" opening; and,

(iii) The existing opening between the heritage lobby and the proposed waiting room (former location of post office boxes) will be screened by a glass partition incorporating a bronze grille frieze.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Any alterations or additions to a building designated under Part IV of the Ontario Heritage Act require Council approval through the Heritage Permit process. In the case of the former Dominion Public Building, the designation includes the east (front), north and south facades, the entrance, postal and elevator lobby areas and main stairwell.

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1996 May 13 met with the Project Architects, Norr Partnership Limited, to review the project's plans and elevations.

At the 1996 July 15 meeting of the Local Architectural Conservation Advisory Committee, the authority to make a recommendation for presentation to the Planning and Development Committee regarding the Heritage Permit required for the Hamilton Courthouse project was delegated to the Research Sub-Committee. The Research Sub-Committee reviewed the plans in detail and has submitted the above-noted recommendation.

attached

cc Members, Local Architectural Conservation Advisory Committee
Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Patrice Noé Johnson, City Solicitor
Tony Butler, Research Sub-Committee

APPENDIX "A"

ONTARIO COURT of JUSTICE - HAMILTON

PROPOSED OPENING TREATMENT IN WEST WALL of HERITAGE LOBBY 1045 "MARBLE HALL" - GROUND FLOOR
1/4"-1'-0"
29 JULY 96
SKA-2660B

NORR

NORR Partnership Limited
Architects Engineers
350 Bloor Street East
Toronto, Canada
M4W 3S6

A Partnership Limited
Architects Engineers

350 Bloor Street East
Toronto, Canada M4W 3S6

APPENDIX "B"

ONTARIO COURT OF JUSTICE -
HAMILTON
SKA-266A
REVISED OPENINGS BETWEEN
MARBLE HALL & PUBLIC CORRIDOR 1041
GROUND FLOOR
1/4" = 1'-0"
23 JULY 96

PUBLIC CORRIDOR
1041

SERVICE COUNTER AREA
1040

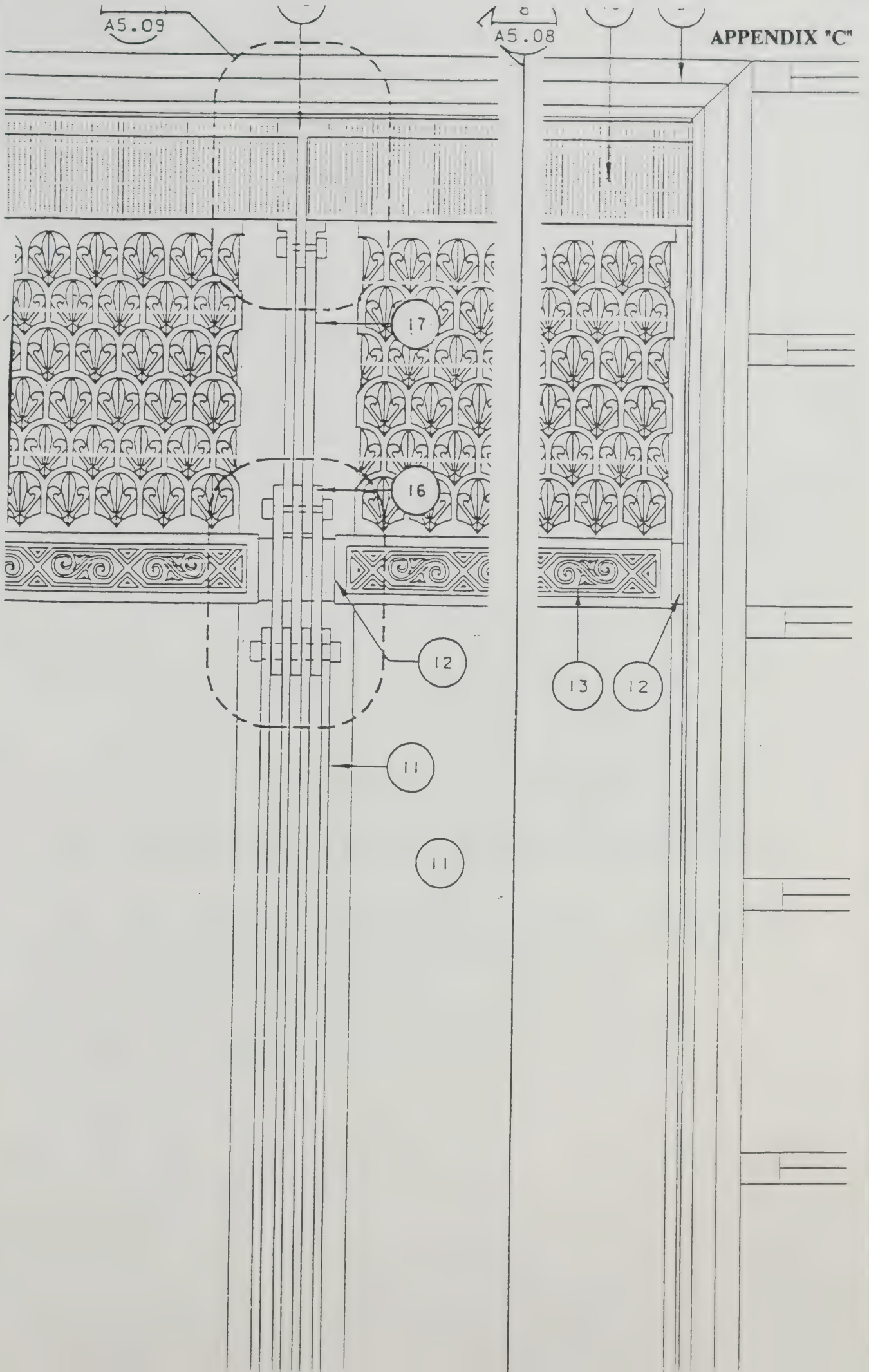
FHC

FOUR (4) PUBLIC ACCESS COMPUTERS

EXISTING ARCHITRAVE RELOCATED
TO NEW OPENING
(FROM EXISTING "PHILATELIC" OPENING)

HERITAGE LOBBY
1045
"MARBLE HALL"

EXISTING WICKETS RELOCATED
(FROM NEW OPENING)


A5.09
A5.08
17
16
12
13
12
11
11

G.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1996 August 13

REPORT TO: Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Director of Planning: Status of Downtown Initiatives, dated 1996 July 12

(b) Director of Planning: Site Plan Control Applications, dated 1996 June 24

(c) Secretary, LACAC: Minutes of the Meeting Held 1996 June 10, dated 1996 July 17

(d) Clerk's Office, Region of Hamilton-Wentworth: Delegation of Authority from the Province to the Region under sections 28 and 29 of the Planning Act, dated 1996 July 17

(e) Clerk's Office, Region of Hamilton-Wentworth: Amendments regarding The Land Use Planning And Protection Act, 1996 (Bill 20), dated 1996 July 17

(f) Director of Planning: Internet Home Page, dated 1996 August 14

(g) City Solicitor: Administrative Tribunal Update, dated 1996 August 12

(h) Director of Planning: Site Plan Control Application, dated 1996 August 1

T Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND: N/A




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BLACK/NOIR/NEGRO

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